

**CITY OF FLORENCE  
PLANNING COMMISSION**

**RESOLUTION PC 15 11 DR 02**

A REQUEST FOR A CHANGE OF USE AND DESIGN REVIEW TO CREATE A CHILDREN’S THEATER, CONSISTING OF AN INTERIOR REMODEL OF THE 3,120 SQUARE FOOT BUILDING AND THE ADDITION OF EIGHT PARKING SPACES, EXTERIOR LIGHTING, LANDSCAPING AND STORMWATER SWALES AS WELL AS A FUTURE EXTERIOR COVERED STORAGE SPACE AT THE REAR OF THE BUILDING.

**WHEREAS**, application was made by Shawn Fleming, representing Children’s Repertory of Oregon Workshops, for a Change of Use and Design Review as required by FCC 10-1-1-5, and FCC 10-6-1; and

**WHEREAS**, the Planning Commission/Design Review Board met in a public hearing on July 14, 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 10-6, 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 Design Review and Change of Use to create a children’s theater including the addition to the building at 3120 Highway 101 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. Approval shall be shown on:

”A” *Findings of Fact*

”B” Land Use Application and Supplemental Emails

”C” Site Plan

”D” Lighting Information

”E” Fire Marshal Comments Received

”F” Public Works Comments Received

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.

- 2.1. 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.
- 2.2. As this building is commercial, a building permit shall be required for construction of the driveway.

### **3. Parking**

- 3.1. The property owner and applicant shall ensure that the off-street parking provided is maintained and remains available and exclusive as off-street parking and loading.
- 3.2. The parking spaces shall be maintained for the theater use and shall not be eliminated, used for the storage of materials of any type, or used for loading or unloading operations during business hours.
- 3.3. The applicant shall provide one ADA Van Accessible parking space with a minimum 96” wide access aisle. The required accessible parking space shall be identified with signs and pavement marking identifying them as reserved for persons with disabilities. The sign identifying the space as reserved shall be posted between 42 inches and 72 inches in height above the pavement level and identified as a van space.
- 3.4. The applicant shall ensure that ensure that motor vehicles are prevented from encroaching upon public walkways, sidewalks, and required landscaped areas.
- 3.5. The applicant shall provide a building permit application with exact dimensions of the area to-be paved as well as the curb cut dimensions, grading and drainage details, and specifications for signage of the ADA accessible parking space.
- 3.6. Motor vehicle spaces, including existing motor vehicle spaces, shall meet the requirements of FCC 10-3-9. Existing spaces shall meet the criteria of FCC 10-3-9 when the lot is resurfaced, resealed, or restriped.
- 3.7. The applicant shall provide no less than two bicycle parking spaces located no

further away from the entrance to the building than the closest new parking space and shall have signage designating the spaces as bicycle parking only and meeting the requirements of FCC 10-3-10. A location meeting the requirements of FCC 10-3-10 is preferred both for convenience and visibility and security.

#### **4. Design Review**

- 4.1.** Any use of the vacant land east of the site requires review by the Planning Department.
- 4.2.** If the applicant chooses to change the building color, colors chosen shall be of a muted, Pacific Northwest coastal-themed palette and shall be approved by the Planning Department.

#### **5. Timelines**

- 5.1.** Required changes such as, but not limited to the addition of paved parking and landscaping shall have until six months from the date of issuance (January 14, 2016), concurrent with operation of the facility, to be completed.
- 5.2.** The Design Review approval for the structure shall include that for the proposed covered area at the east end of the building. Since no elevations were available, the design of the covered area shall be approved by staff prior to the issuance of building permits and the colors and materials selected to match the existing building. The approval for Design Review of the proposed facility shall expire on July 14, 2016, but the applicant may apply for a one-time, one-year extension per FCC 10-6-9.

#### **6. Landscaping**

- 6.1.** The applicant shall ensure vegetation is located within the 12' of setbacks adjacent to 31<sup>st</sup> Street, not including vegetation within the 31<sup>st</sup> Street right-of-way.
- 6.2.** The applicant shall construct or install a visual barrier meeting the requirements of FCC 10-16-7-C and FCC 10-27. The visual barrier shall line the highway frontage of the site for at least 32 feet ( $27\% \times 120' \text{ of street frontage} = 32.4' \approx 32'$ ). The required screening shall have breaks or portals to allow visibility (natural surveillance) into the site and to allow pedestrian access to any adjoining walkways. Hedges used to comply with this standard shall be a minimum of 36 inches in height at maturity, and shall be of such species, number, and spacing to provide year-round screening within five (5) years after planting. Vegetative ground cover is required on all surfaces between the wall/hedge and the street/driveway line.
- 6.3.** The applicant shall provide a landscaping plan meeting the requirements of FCC 10-34-3-2 to the Planning Department prior the time of landscaping installation or swale permitting. The applicant shall choose an appropriate plant species and size from the Tree and Plant List for the City of Florence for all new plantings.

- 6.4.** The applicant shall plant 1 additional tree.
- 6.5.** The applicant shall plant 6 additional shrubs. These shrubs may also count towards the buffering/screening requirements of this Design Review.
- 6.6.** Living plant materials shall cover a minimum of 70 percent of the required landscape area (1,253 square feet) within 5 years of planting.
- 6.7.** All required plant materials shall be located within the first 20 feet of any lot line that abuts a street (Highway 101) unless impractical for placement or as the intent may be better served through a planted storm water swale. After design of storm water swales have been approved by Public Works Director Mike Miller, the applicant shall submit a landscaping plan demonstrating the location and content of landscaped areas.
- 6.8.** New plants and trees shall be pocket-planted with a soil-compost blend to ensure healthy growth.
- 6.9.** The applicant shall meet the criteria of FCC 10-34-3-4 for all new plantings.
- 6.10.** New plantings shall be irrigated unless deemed a drought tolerant plant through the Tree and Plant List. The applicant shall perform temporary irrigation until the plant has become established or an irrigation system has been installed. The applicant shall provide a statement prior to final occupancy of the building stating their preference and intent.
- 6.11.** Wheel stops, raised curbs, bollards, or other design features shall be used to protect pedestrians, landscaping, and buildings from being damaged by vehicles where new landscaping and new paving is being constructed along the north and east sides of the building.
- 6.12.** The applicant has indicated that the addition will be used for storage of materials. These materials shall be screened in accordance with FCC 10-34-3-7-C through the use and construction of a decorative wall, evergreen hedge, fence, or similar feature. Screening of the storage area shall encompass the perimeter of the storage area.
- 6.13.** The applicant shall maintain their landscaping and replace any failed plantings with an equivalent specimen within six months of their dying or removal.

**7. Access and Circulation**

- 7.1.** A reciprocal access easement shall be recorded for the driveway onto Highway 101 extending the length of the paved access.
- 7.2.** A non-remonstrance agreement shall be signed for all possible future public improvements to 31<sup>st</sup> Street and Redwood Street, including, but not limited to streets, sidewalks, and other utilities within those right-of-ways.

- 7.3. The applicant shall provide internal sidewalks in all new areas of paving (north and east sides) in order to protect pedestrians from vehicular traffic and provide a safety separation between the building and parking spaces. The pedestrian area may be separated from the parking spaces by a raised curb or by wheel stops.

**8. Lighting**

- 8.1. The lighting selected by the applicant shall not exceed twenty feet in height from the adjacent grade.
- 8.2. The applicant shall extinguish all lighting not needed for personal and building security and safety after hours. The applicant shall also submit to a 30-day review period beginning from the day of installation of lighting after land use approval. Lighting which does not meet the specifications of City Code may result in the need for changes to adjust the illumination level.

**Informational**

1. The applicant should separate the theater portion of the building from the rest through a minimum one-hour separation. The allowable area for the seated theater is approximately 650 square feet without the installation of a sprinkler system.
2. The applicant should speak to Public Works Director Mike Miller regarding the compliance and appropriateness of the sidewalk and driveway apron.

**ADOPTED BY THE FLORENCE PLANNING COMMISSION/DESIGN REVIEW BOARD** the 14<sup>th</sup> day of July, 2015.

\_\_\_\_\_  
CURT MUILENBURG, Chairperson  
Florence Planning Commission

\_\_\_\_\_  
DATE



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

---

<b>Public Hearing Date:</b>	July 14, 2015	<b>Planner:</b>
<b>Date of Report:</b>	July 7, 2015	Glen Southerland
<b>Application:</b>	PC 15 11 DR 02	

**I. PROPOSAL DESCRIPTION**

**Proposal:** A request for a change of use and design review to create a children's theater, consisting of an interior remodel of the 3,120 square foot building and the addition of eight parking spaces, exterior lighting, landscaping and stormwater swales, and a future exterior covered storage space at the rear of the building.

**Applicant:** Shawn Fleming, representing Children's Repertory of Oregon Workshops (C.R.O.W.)

**Property Owners:** Woahink Investment Group LLC

**Location:** 3120 Highway 101

**Site:** Map # 18-12-23-23, Taxlot 03400

**Comprehensive Plan Map Designation:** Highway

**Zone Map Classification:** Highway

**Surrounding Land Use / Zoning:**

Site:	Vacant Retail / Highway
North:	Central Coast Resource Center / Highway
South:	Restaurant/residences / Highway
East:	Residences / Single Family Residential
West:	Commercial & Residences / Highway

**Streets / Classification:**

West – Highway 101 / Major Arterial; North – None; East – Undeveloped Redwood Street/ Local; South – Undeveloped 31<sup>st</sup> Street / Local

**II. NARRATIVE**

The building at 3120 Highway 101 was originally constructed in 1986. The site received Design Review Board approval on December 17, 1985, which also approved the building's use as a ceramics shop. On February 18, 1986, a conditional use permit was approved allowing the use of the building as a temporary

mobile warehouse. Another Design Review Board approval was issued in 1991 for a 980 square foot addition to the building.

On January 23, 1996, the building was issued a change of use and design review from a general store to a used car sales lot for Seabreeze Motors. On February 13, 1996, the parking lot design and landscaping plan were modified in order to accommodate the new use.

In August 2005, a single-wide manufactured home on the site was demolished. The building has housed seasonal retail sales for the Humane Society and fundraising efforts like Read for the Need.

The current change of use and design review application was received on April 24, 2015 and deemed complete on June 23, 2015.

### **III. ISSUES**

The site plan submitted by the applicant has listed the area of the building at 3,040 square feet (76 feet x 40 feet). The floor plan submitted by the applicant lists the area of the building as 3,200 square feet (80 feet x 40 feet). RLID lists the area at 3,200 square feet. For the purposes of this application, the current area of the building will be considered 3,200 square feet. The proposed 800 square foot covered storage area (20' x 40'), which the applicant has proposed construction of at a later date, is 25% of the floor area of the 3,200 square foot building. Use of the 3,040 square foot figure in determining the percentage of expansion gives a figure of 27%. An increase of this size as well as the increase in required parking spaces require a Design Review.

### **IV. NOTICES & REFERRALS**

**Notice:** On June 24, 2015 notice was mailed to surrounding property owners within 300 feet of the property. The property was posted on June 24, 2015. Notice was published in the Siuslaw News on July 8, 2015.

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

**Referrals:** On June 24, 2015 referrals were sent to the Florence Building Department, Florence Public Works, Oregon Department of Transportation (ODOT), and Siuslaw Valley Fire and Rescue (SVFR).

At the time of this report, the City had received comments from Sean Barrett, Fire Marshal (Exhibit D).

Fire Marshal Barrett stated that the application had been reviewed and that SVFR had no concerns with the issuance of the permit. He stated however, that during the building permit stage, due to the proposed square footage of the proposed 80-seat theater, it should be separated from the rest of the building by a minimum 1-hour fire separation. He also stated that the allowable area for the seated theater is



approximately 650 square feet, and otherwise the building would need to have a sprinkler system installed because the total occupant load would be over 300. (Informational 1)

## **V. APPLICABLE REVIEW CRITERIA**

### **Florence City Code, Title 10:**

Chapter 1: Zoning Administration, Section 1-5

Chapter 3: Off-Street Parking and Loading, Sections 2 through 5 & 8 through 10

Chapter 6: Design Review, Sections 5 & 9

Chapter 16: Highway District, Sections 2 through 5 and 7

Chapter 34: Landscaping, Sections 3 and 5

Chapter 35: Access and Circulation, Sections 2-10 through 2-12, 3-1, and 3-2

Chapter 37: Lighting, Sections 2 through 4

## **VI. PROPOSED FINDINGS**

Code criteria are listed in **bold**, with staff response beneath. Only applicable criteria have been listed.

---

### **FLORENCE CITY CODE**

---

---

#### **TITLE 10: CHAPTER 1: ZONING ADMINISTRATION**

---

#### **10-1-1-5: LAND USE HEARINGS:**

**A. Hearings are required for quasi-judicial land use matters requiring Planning Commission review.**

**B. Notification of Hearing:**

- 1. At least twenty (20) days prior to a quasi-judicial hearing, notice of hearing shall be posted on the subject property and shall be provided to the applicant and to all owners of record of property within 100 feet of the subject property, except in the case of hearings for Conditional Use Permits, Variance, Planned Unit Development and Zone Change, which notice shall be sent to all owners of record of property within 300 feet of the subject property.**
- 2. Prior to a quasi-judicial hearing, notice shall be published one (1) time in a newspaper of general circulation.**

Notification of the quasi-judicial land use hearing for this application was mailed on June 23, 2015, 22 days prior to the hearing, to all property owners within 300 feet of the subject property. A notice was also published in the Siuslaw News one time on July 8, 2015. The notification procedures meet the requirements of FCC 10-1-1-5.

**C. Notice Mailed to Surrounding Property Owners - Information provided:**

**1. The notice shall:**

- a. Explain the nature of the application and the proposed use or uses which could be authorized;**
- b. List the applicable criteria from the ordinance and the plan that apply to the application at issue;**
- c. Set forth the street address or other easily understood geographical reference to the subject property;**
- d. State the date, time and location of the hearing;**
- e. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes further appeal based on that issue;**
- f. State that application and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;**
- g. State that a copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing and will be provided at reasonable cost;**
- h. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.**
- i. Include the name of a local government representative to contact and the telephone number where additional information may be obtained.**

The notice mailed to surrounding property owners as described above contained information regarding the nature of the application and uses proposed; applicable criteria applying to the issue; the street address of the property; the date, time and location of the meeting; the need to “raise it or waive it” appeal rights; stated that the application and criteria were available for inspection at no cost and would be provided at reasonable cost; stated that a copy of the staff report would be available no less than seven days prior to the hearing regarding the item; included a statement of the requirements for submission of testimony; and included the name of the staff person to contact, telephone number for the Planning Department and an email address where questions or testimony could be sent. The application was properly noticed and these criteria are met.

**D. Hearing Procedure: All quasi-judicial hearings shall conform to the procedures of Florence City Code Title 2 Chapter 10.**

The Planning Commission will meet and decide upon the application in accordance with FCC 2-10.

**E. Action by the Planning Commission:**

- 1. At the public hearing, the Planning Commission shall receive all evidence deemed relevant to the issue. It shall then set forth in the record what it found to be the facts supported by reliable, probative and substantive evidence.**
- 2. Conclusions drawn from the facts shall state whether the ordinance requirements were met, whether the Comprehensive Plan was complied with and whether the requirements of the State law were met.**
- 4. There is no duty upon the Planning Commission to elicit or require evidence. The burden to provide evidence to support the application is upon the applicant. If the Planning Commission determines there is not sufficient evidence supporting the major requirements, then the burden has not been met and approval shall be denied.**

The Planning Commission will receive all evidence deemed relevant at the public hearing. The Planning Commission may deny approval should they determine that insufficient evidence has been provided to support the application. The burden to supply such evidence is upon the applicant.

**F. Notice of Decision by the Planning Commission: A notice of the action or decision of the Planning Commission, and right of appeal shall be given in writing to the applicant. Any party who testified either in writing or verbally at the hearing must provide a mailing address in order to be noticed. The notice may be served personally, or sent by mail. The notice shall be deemed served at the time it is deposited in the United States mail.**

Notice of Decision shall be mailed to the applicant and all parties providing testimony either in writing or verbally at the hearing who provided a mailing address.

**H. Consolidated Procedures: Whenever possible an application for development such as a Conditional Use, Variance, or other action requiring Planning Commission, or Design Review Board approvals be consolidated to provide faster service to the applicant. (ORS 227.175(2)), (Amd. by Ord. No. 4, Series 2011)**

The applicant has requested a Change of Use and Design Review. Staff has consolidated required approvals in order to provide faster service to the applicant. The criteria in this staff report address both Design Review and the Change of Use.

---

**TITLE 10: CHAPTER 3: OFF-STREET PARKING AND LOADING**

---

**10-3-2: GENERAL PROVISIONS:**

- A. The provision for and maintenance of off-street parking and loading spaces are continuing obligations of the property owners. No building or other permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space.**

The proposed site includes a concrete parking pad to the north and east (behind) the structure at 3120 Highway 101. The site includes an existing parking area to the west (in front of) the building. The property owner and applicant shall ensure that the off-street parking provided is maintained and remains available and exclusive as off-street parking and loading. **(Condition 3.1)**

- 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.**

The existing parking spaces on-site appear to meet the code requirements for width and marking. The change of use and enlargement of the structure at 3120 Highway 101 requires that all off-street parking spaces be provided as outlined in FCC 10-3.

- C. If parking space has been provided in connection with an existing use or is added to an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this Chapter.**
- D. Required parking spaces shall be available for the parking of passenger automobiles of residents, customers, patrons and employees, and shall not be used for storage of materials of any type.**
- F. The required off-street parking for nonresidential uses shall not be used for loading and unloading operations during regular business hours.**

The parking spaces proposed meet or can meet the parking requirements as outlined below. The parking spaces shall be maintained for the theater use and shall not be eliminated, used for the storage of materials of any type, or used for loading or unloading operations during business hours. **(Condition 3.2)**

**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. Where a use is not specifically listed in this table, parking requirements are determined by finding that a use is similar to one of those listed in terms of parking needs, or by estimating parking needs individually using the demand analysis option described below:

- 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.

The applicant has proposed parking within a parking lot. This criterion is met.

**10-3-4: MINIMUM REQUIRED PARKING BY USE:** During the largest shift at peak season, fractional space requirements shall be counted as the next lower whole space (rounded down). Square footages will be taken from the gross floor area (measurements taken from exterior of building). Applicants may ask the Design Review Board a reduction for parking spaces as part of their land use application. The applicant will have to provide the burden of evidence to justify the reduction proposed. The Design Review Board and/or staff may require the information be prepared by a registered traffic engineer. Table 10-3-1 lists the minimum parking spaces required by use, with a minimum no less than two (2) spaces.

**Table 10-3-1, Minimum Required Parking By Use:**

**B. Institutions and Public Assembly Types:**

Retail Sales and Service (See also Drive-Up Uses)	Theaters and Cinemas: 1 per 6 seats
---	-------------------------------------

The applicant is proposing a theater with associated dressing rooms, office space and workshops. The structure will house an 80-seat theater. The number of parking spaces required, rounded down to the next lower whole space, for this size retail structure is thirteen ( $80 \div 6 = 13.34 \approx 13$ ). The west parking lot consists of 11 parking spaces, the northern area of the building has been proposed to hold six parking spaces and the western area of the building has been proposed to hold three parking spaces. The parking that has been proposed (20 parking spaces total) meets this criteria.

**10-3-5: VEHICLE PARKING - MINIMUM ACCESSIBLE PARKING:**

- A. Accessible parking shall be provided for all uses in accordance the standards in Table 10-3-2; parking spaces used to meet the standards in Table 10-3-2 shall be counted toward meeting offstreet parking requirements in Table 10-3-1;

- B. Such parking shall be located in close proximity to building entrances and shall be designed to permit occupants of vehicles to reach the entrance on an unobstructed path or walkway;
- E. Required accessible parking spaces shall be identified with signs and pavement markings identifying them as reserved for persons with disabilities; signs shall be posted directly in front of the parking space at a height of no less than 42 inches and no more than 72 inches above pavement level. Van spaces shall be specifically identified as such.

<b>Table 10-3-2 – Minimum Number of Accessible Parking Spaces</b> Source: ADA Standards for Accessible Design 4.1.2(5)			
<b>Total Number of Parking Spaces Provided (per lot)</b>	<b>Total Minimum Number of Accessible Parking Spaces (with 60" access aisle, or 96" aisle for vans*)</b>	<b>Van Accessible Parking Spaces with min. 96" wide access aisle</b>	<b>Accessible Parking Spaces with min. 60" wide access aisle</b>
<b>1 to 25</b>	<b>1</b>	<b>1</b>	<b>0</b>

The applicant has proposed to provide one ADA van-accessible parking space at the front of the building. The submitted site plan indicates that the ADA access aisle will be a 96" aisle van-accessible space. The proposed ADA parking space meets this criterion.

The applicant shall provide one ADA Van Accessible parking space with a minimum 96" wide access aisle. The required accessible parking space shall be identified with signs and pavement marking identifying them as reserved for persons with disabilities. The sign identifying the space as reserved shall be posted between 42 inches and 72 inches in height above the pavement level and identified as a van space. **(Condition 3.3)**

**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.

- B. All parking areas except those required in conjunction with a single-family or duplex dwelling shall be graded so as not to drain storm water over public sidewalks. All drainage systems shall be connected to storm sewers where available. Parking lot surfacing shall not encroach upon a public right of way except where it abuts a concrete public sidewalk, or has been otherwise approved by the City.

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

The applicant has proposed to construct a driveway leading east from Highway 101 to the southernmost edge of the property at the rear of the building. The area of paving being added is 7,450 square feet. The applicant has proposed at least 50 feet of paved driveway apron as well as paved required parking areas.

The applicant has been working closely with the Public Works Director to determine the needs of the new paved areas which will drain into storm water swales.

The applicant has proposed that parking will be within the existing lot as well as nine spaces within the newly paved area. Most of the parking spaces will be located so that headlights do not shine onto adjacent residential uses. The three eastern parking spaces of the northern section are oriented to face the south. There is a residence located south and east of the theater building. The applicant shall ensure vegetation is located within the 12' of setbacks adjacent to 31<sup>st</sup> Street, not including vegetation within the 31<sup>st</sup> Street right-of-way. **(Condition 6.1)**

**D. Except for parking areas required in conjunction with a single-family or duplex dwelling, all parking areas shall provide:**

- 1. A curb of not less than six inches (6") in height near abutting streets and interior lot lines. This curb shall be placed to prevent a motor vehicle from encroaching on adjacent private property, public walkways or sidewalks or the minimum landscaped area required in paragraph D2 of this subsection.**
- 2. Except for places of ingress and egress, a five foot (5') landscaped area wherever it abuts street right-of-way. In areas of extensive pedestrian traffic or when design of an existing parking lot makes the requirements of this paragraph unfeasible, the Design Review Board may approve other landscaped areas on the property in lieu of the required five foot (5') landscaped area. See also FCC 10-34-3-6 and -7 for parking lot landscaping standards.**

The applicant shall ensure that ensure that motor vehicles are prevented from encroaching upon public walkways, sidewalks, and required landscaped areas. **(Condition 3.4)**

The site includes a five-foot wide landscaped area abutting the Highway 101 street right-of-way. With Condition 6.1 listed above, his criterion is met.

**E. No parking area shall extend into the public way except by agreement with the City.**

No parking area has been proposed which extends into the public right-of-way. This criterion is met.

**G. Lighting: Refer to Section 10-37 of this Title for requirements.**

The applicant has provided information regarding lighting and these criteria will be addressed below as part of FCC 10-37.

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

Existing parking is located at the front of the building. Proposed parking is located at the sides and rear of the building. The proposed parking is to be located outside the required five foot setbacks from property lines and meets this criterion.

**J. Building permits are required for all parking lot construction or resurfacing.**

The applicant has proposed to construct a driveway and parking leading to the rear of the building. As this building is commercial, a building permit shall be required for construction of the driveway. **(Condition 2.2)**

**K. A plan, drawn to a suitable scale, indicating how the off- street parking and loading requirements are to be met shall accompany an application for a building permit. The plan shall indicate in detail all of the following:**

- 1. Individual parking and loading spaces.**
- 2. Circulation area.**
- 3. Access to streets and property to be served.**
- 4. Curb cut dimensions.**
- 5. Dimensions, continuity and substance of screening, if any.**
- 6. Grading, drainage, surfacing and subgrading details.**
- 7. Obstacles, if any, to parking and traffic circulation in finished parking areas.**
- 8. Specifications for signs, bumper guards and curbs.**
- 9. Landscaping and lighting.**

The applicant has provided a parking plan showing the individual parking spaces proposed and the access to Highway 101. The applicant will be required to provide drainage for their added impervious surface in the form of a driveway and additional parking from the existing driveway to the rear of the building. The applicant should refer to FCC 9-5 for more information.



The applicant shall provide a building permit application with exact dimensions of the area to-be paved as well as the curb cut dimensions, grading and drainage details, and specifications for signage of the ADA accessible parking space. **(Condition 3.5)**

**10-3-9: PARKING STALL DESIGN AND MINIMUM DIMENSIONS:** All off-street parking spaces (except those provided for single-family and duplex homes) shall be improved to conform to City standards for surfacing, stormwater management, and striping and where provisions conflict, the provisions of FCC Title 9 Chapter 5 shall prevail. Standard parking spaces shall conform to minimum dimensions specified in the following standards and Figures 10-3(1) and Table 10-3-3:

- A. Motor vehicle parking spaces shall measure nine (9) feet and six (6) inches wide by nineteen (19) feet long.
- B. Each space shall have double line striping with two feet (2') wide on center.
- C. The width of any striping line used in an approved parking area shall be a minimum of 4" wide.
- D. All parallel motor vehicle parking spaces shall measure eight (8) feet six (6) inches by twenty-two (22) feet;
- E. Parking area layout shall conform to the dimensions in Figure 10-3(1), and Table 10-3-3, below;
- F. Parking areas shall conform to Americans With Disabilities Act (ADA) standards for parking spaces (dimensions, van accessible parking spaces, etc.). Parking structure vertical clearance, van accessible parking spaces, should refer to Federal ADA guidelines.

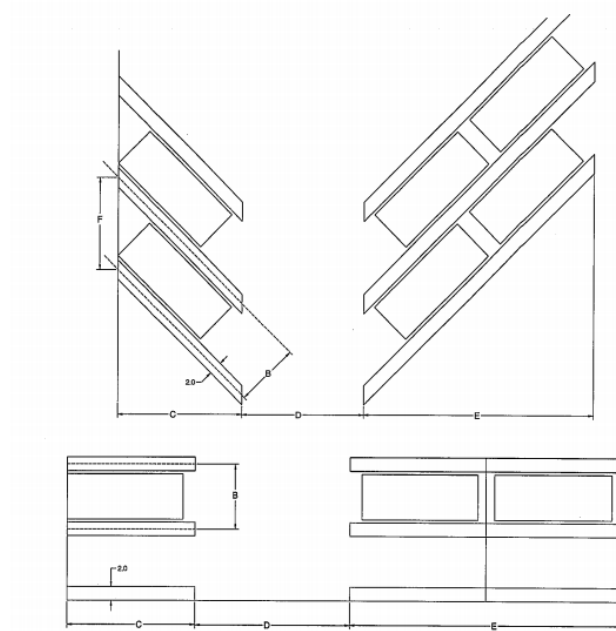


FIGURE 10-3 (1)

Table 10-3-3 – Parking Area Layout							
Space Dimensions in feet	Parking Angle <°	Stall Depth		Aisle Width		Stall width (B)	Curb Length (F)
		Single (C)	Double (E)	One Way (D)	Two Way (D)		
	30°	15.6	26.7	12	18	9.5	19.0
	45°	18.4	33.4	13	18	9.5	13.4
	60°	20	38.8	17	18	9.5	11.0
	70°	20.3	40.6	18	19	9.5	10.1
	80°	20	41.2	22	22	9.5	9.6
	90°	19	40.5	23	23	9.5	9.5

The applicant has submitted a parking plan. The plan submitted does not indicate whether the space striping meets the requirements of FCC 10-3-9 with regard to double line striping and stripe width. Motor vehicle spaces, including existing motor vehicle spaces, shall meet the requirements of FCC 10-3-9. Existing spaces shall meet the criteria of FCC 10-3-9 when the lot is resurfaced, resealed, or restriped. **(Condition 3.6)**

**10-3-10: BICYCLE PARKING REQUIREMENTS:** All new development that is subject to Site Design Review, shall provide bicycle parking, in conformance with the standards and subsections A-H, below.

- A. Minimum Size Space:** Bicycle parking shall be on a two (2) feet by six (6) feet minimum.
- B. Minimum Required Bicycle Parking Spaces.** Short term bicycle parking spaces shall be provided for all non-residential uses at a ratio of one bicycle space for every ten vehicle parking spaces. In calculating the number of required spaces, fractions shall be rounded up to the nearest whole number, with a minimum of two spaces.

- D. **Location and Design.** Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space other than handicap parking, or fifty (50) feet, whichever is less and shall be easily accessible to bicyclists entering the property from the public street or multi-use path.
- E. **Visibility and Security.** Bicycle parking for customers and visitors of a use shall be visible from street sidewalks or building entrances, so that it provides sufficient security from theft and damage;
- F. **Lighting.** For security, bicycle parking shall be at least as well lit as vehicle parking. Refer to Section 10-37 of this Title for requirements.
- G. **Reserved Areas.** Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.
- H. **Hazards.** Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards. If bicycle parking cannot be provided safely, the Design Review Board or Community Development Director may waive or modify the bicycle parking requirements.

The applicant is required to provide bicycle parking as part of this site design review. However, the site cannot accommodate the locational required included as part of FCC 10-3-10-D without the removal/relocation of a space currently used for motor vehicle parking.

The applicant shall provide no less than two bicycle parking spaces located no further away from the entrance to the building than the closest new parking space and shall have signage designating the spaces as bicycle parking only and meeting the requirements of FCC 10-3-10. A location meeting the requirements of FCC 10-3-10 is preferred both for convenience and visibility and security (**Condition 3.7**)

---

## **TITLE 10: CHAPTER 6: DESIGN REVIEW**

---

**10-6-5: GENERAL CRITERIA:** The Planning Commission or Design Review Board may require any of the following conditions it deems necessary to secure the purpose and intent of this Chapter. The Board shall, consider the effect of its action on the availability and cost of needed housing. The Board shall not use the requirements of this Section to exclude needed housing types. However, consideration of these factors shall not prevent the Board from imposing conditions of approval if the costs of such conditions shall not unduly increase the cost of housing. The Board shall have no authority to affect dwelling unit densities. The Board shall consider the following criteria reviewing applications and may set conditions or standards which regulate and limit the following: (Ord. 680, 1-11-83)

**A. Setbacks, yards, height, density and similar design features according to the underlying zoning district.**

The building where the proposed use will take place is pre-existing. The existing setbacks, yards, and height are appropriate for the underlying zoning district as they have not changed since building construction.

The proposed covered area on the east side of the building will also meet the setbacks requirements for the underlying zoning district. The expansion will be 114' from the rear lot line and no closer to the side lot line than the existing building (12 feet). This criterion is met.

**B. Lot area, dimensions and percentage of coverage according to the underlying zoning district.**

The applicant proposes an 800 square foot covered, unenclosed addition located east of the building

The total area of enclosed building space will remain the same after the proposed unenclosed expansion. The amount of building coverage will increase to 3,840 square feet. Maximum lot coverage for the underlying zoning district is addressed as part of staff review of FCC 10-16.

**C. Installation and maintenance of fences, walls, hedges, screens and landscaping according to standards set forth in FCC 10-34 Landscaping, and any requirements of the underlying zoning district.**

Screening and landscaping will be addressed as part of review of Chapter 34: Landscaping later in this report.

**D. The location and design of access and egress points for vehicles and pedestrians, including access points along State highways according to standards set forth in FCC 10-35 Access and Circulation, and any requirements of the underlying zoning district.**

The location and design of access and egress points for vehicles and pedestrians is appropriate and will remain unchanged.

ODOT was sent a referral due to the site's adjacency to Highway 101. As of writing, they have not submitted testimony regarding this proposal. The current access has two valid ODOT access permits, Permit 30874 and Permit 30815.

**E. Noise, vibration, smoke, dust, odor, light intensity and electrical interferences.**

The applicant has not proposed that the theater will be a source of noise, vibration, smoke, dust, odor, light intensity or electrical interference. The theater performance area is located northwest of the adjacent residence. Any use of the vacant land east of the site requires review. **(Condition 4.1)**

**F. Parking and outside display areas, dimensions, surfacing and on-site traffic circulation according to standards set forth in FCC 10-3 Parking and Loading.**

**G. Architectural quality and aesthetic appearance, including compatibility with adjacent buildings.**

The building was approved in 1986 prior to the City reviewing for specific architectural quality, but is of appropriate architectural quality and aesthetic appearance, and is compatible with adjacent buildings. The building is actually two structures from different periods joined at a seam. The buildings match in appearance and are of an architectural style found widely across the Highway District. This criterion is met.

**H. Color, building materials and exterior appearance in accordance with the policies established by the City in the Downtown Implementation Plan, and in applicable zoning districts.**

The applicant has proposed no modification of the color, building materials, or exterior appearance. If the applicant chooses to change the building color, colors chosen shall be of a muted, Pacific Northwest coastal-themed palette and shall be approved by the Planning Department. **(Condition 4.2)**

**I. Exterior lighting and security.**

Lighting will be addressed in and regulated by FCC 10-37.

**J. Public health, safety and general welfare.**

The facility will be operated by C.R.O.W. and will provide arts education and after-school activities for youths, thereby contributing positively to the public health, safety, and general welfare. This criterion is met.

**K. Provision of public facilities and infrastructure according to standards set forth in FCC 10-36 Public Facilities.**

The structure of the proposed building, being pre-existing, also has pre-existing services connected. No additional services will be required other than those discussed for vehicular access.

The proposed use will not generate the trips necessary to provide separate access to the site via Redwood or 31<sup>st</sup> Streets. The applicant will not be required to construct those accesses at this time, but shall be required to sign and submit a non-remonstrance agreement should these accesses be needed in the future. The applicant will be required to pay a proportionate share of the construction of these accesses if needed. **(Condition 7.2)**

- L. Requiring a time period within which the proposed use or portions thereof shall be developed.**

The site has largely been developed. Required changes such as, but not limited to the addition of paved parking and landscaping shall have until six months from the date of issuance (January 14, 2016), concurrent with operation of the facility, to be completed. **(Condition 5.1)**

- M. Requiring bonds to insure performance of special conditions. (Ord. 625, 6-30-80)**

No bonds will be required to insure performance of special conditions.

- N. Such other conditions as are necessary to implement policies contained in the Florence Comprehensive Plan. (Ord. 680, 1- 11-83)**

Other conditions needed in order to implement policies contained within the Florence Comprehensive Plan will be addressed as part of that section of this report.

**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 Design Review approval for the structure shall include that for the proposed unenclosed covered area at the east end of the building. Since no elevations were available, the design of the covered area shall be approved by staff prior to the issuance of building permits and the colors and materials selected to match the existing building. The approval for Design Review of the proposed facility shall expire on July 14, 2016. **(Condition 5.2)**

---

**TITLE 10: CHAPTER 16: HIGHWAY DISTRICT**

---

**10-27-2: PERMITTED BUILDINGS AND USES:**

The following uses shall be permitted only upon affirmative findings by the Planning Commission that the proposed use meets the general criteria in Section 10-16-4 herein.

- A. All uses permitted outright or conditionally in the Commercial District, except single-family dwellings, public buildings and facilities, and single-family residential PUD's.**

The proposed use is a permitted use in the Commercial District. Theaters in the Commercial District are a distinct and different use from movie theaters. This criterion is met.

**10-16-4: GENERAL CRITERIA: Before a building or use is established within the Highway District, the petitioner must demonstrate to the City that the proposed development will meet the following criteria:**

- A. The operating characteristics and intensity of land use will be compatible with and will not adversely affect the development potential of adjacent properties.**

The operation and use of the pre-existing building and its expansion will not adversely affect the development potential of adjacent properties. Adjacent properties have been previously developed and the applicant has not proposed a use which would impact the needs of surrounding property owners. This criterion is met.

- B. The site planning and building design will be as attractive as the nature of the use and the setting will allow.**

The site planning and building design are as attractive as the nature of the use and setting will allow. The applicant has proposed a number of landscaping improvements as well as the addition of adequate parking and removal of a gravel driveway. The existing building has large storefront windows that are typical of retail uses which help create an attractive building front. The application meets this criterion.

- C. The location of the site can accommodate energy efficient traffic circulation routes.**

The site is centrally located in Florence off of Highway 101. The Rhody Express, the Florence public transit system route is located nearby to the east of the site on Redwood Street. This criterion is met.

**D. The vehicle and pedestrian access to the site can be safely and efficiently provided.**

The frontage of the lot on Highway 101 is accessible by pedestrians through a paved sidewalk. Vehicular access is provided to the site through a driveway off of Highway 101 which is shared with the property to the north. No changes are proposed to the vehicular or pedestrian access to the site, but the site does have frontage along three street right-of-ways, only one of which is developed. The applicant and subsequent owners of the property should work with the City to ensure that access to the site is provided safely and efficiently. This criterion is met.

**E. The necessary utility systems and public facilities are available with sufficient capacity.**

The applicant is currently completing some interior remodels which will add another restroom and a kitchen facility. The Public Works Director has determined that necessary public facilities currently serve the site in the form of access through Highway 101. No further facilities are needed at this time.

The existing water and sewer treatment facilities have sufficient capacity to meet the theater's increased demands.

**10-16-5: DEVELOPMENT STANDARDS: The City may require any conditions it deems necessary to secure the purpose and intent of this Chapter. Such conditions may regulate and limit the following:**

**A. Setbacks, yards, height, density and similar design features.**

The applicant has not indicated the height of their building, as a commercial building, it likely meets the 28' criterion for the Highway District. However, the building, as mentioned, is pre-existing. No greater height requirements have been proposed or will be needed.

**B. The installation and maintenance of fences, walls, hedges, screens and landscaping according to standards set forth in FCC 10-34 Landscaping, except as modified by specific standards of this zoning district.**

Landscaping will be reviewed as part of FCC 10-34 later in these findings.

**C. The location and design of access points for vehicles and pedestrians according to standards set forth in FCC 10-35 Access and Circulation, except as modified by specific standards of this zoning district.**

FCC 10-35-2-12-B and 10-35-2-12-C states that:

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



2. **Driveways shall have a minimum width of ten (10) feet, except where a driveway serves as a fire apparatus lane, in which case city-approved driveway surface of 12 feet minimum width shall be provided within an unrestricted, twenty (20) foot aisle, or as approved by the Fire Code Official.**
  3. **Where a driveway is to provide two-way traffic, the minimum width shall be 18 feet.**
  5. **The maximum allowable driveway grade is fifteen (15) percent, except that driveway grades exceeding fifteen (15) percent may be allowed, subject to review and approval by the Public Works Director and Fire Code Official, provided that the applicant has provided an engineered plan for the driveway. The plan shall be stamped by a registered geotechnical engineer or civil engineer, and approved by the Public Works Director.**
- 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.**

The proposed use and cover addition is located in a structure that is pre-existing. The existing access is approved and meets City Code. The existing driveway is 24 feet wide (the portion on the applicant's property), meeting the criterion required for a driveway providing two-way traffic. The access was permitted by ODOT through Permits 30874 and 30815.

It is unknown if the site meets ADA slope requirements or if the driveway apron meets grade requirements. The applicant should speak to Public Works Director Mike Miller regarding the sidewalk and driveway apron. **(Informational 2)**

**D. Noise, vibration, smoke, dust, odor, lighting and electrical interference.**

The applicant has not proposed that the use that will be housed within the building will create any noise, vibration, smoke, dust, odor, lighting, or electrical interference.

**E. Parking areas and on site traffic circulation according to standards set forth in FCC 10-3 On-site Parking and Loading.**

This criterion has been addressed through review of FCC 10-3.

**F. Signs shall be in accordance with Title 4 Chapter 7 of this Code. (Ord. 4, 2011)**

The applicant should coordinate with Building Permit Technician Eric Rines in order to determine their sign permitting needs.

**G. Architectural quality and aesthetic appearance.**

This criterion has been reviewed as part of FCC 10-6. This criterion is met.

**H. Public health and safety.**

This criterion has been reviewed as part of FCC 10-6. This criterion is met.

**I. Security.**

The applicant has not proposed that this proposed use and building will require extra security or would create a security issue in the area. This criterion is met.

**J. Lot area, dimensions and percent of coverage.**

This criterion is addressed elsewhere as part of staff review of FCC 10-16.

**10-16-7: DESIGN SPECIFICATIONS:**

**A. Highway Setback (Minimum Allowed Without a Variance; Measured From the Center Line of the Highway Right of Way):**

- 1. Commercial: Seventy feet (70'), but one hundred foot (100') setback is recommended.**
- 2. Multiple Residential: One hundred feet (100').**
- 3. Light Industrial: One hundred feet (100').**
- 4. All Other Uses: As determined by the City.**

The front setback of the building facing Highway 101 is pre-existing. The front of the building is fifty feet from the front property line, which in turn is approximately 35 feet from the Highway Centerline. This criterion is met.

**B. Setback from Side Streets and Abutting Property: Minimum of five feet (5') unless otherwise determined by the City with consideration given to the existing and proposed uses on the abutting properties.**

The existing building as well as the proposed addition is 12 feet from the 31<sup>st</sup> Street right-of-way and 114 feet from the Redwood Street right-of-way. These criteria are met.

**C. Visual Barrier: A fence, wall, hedge, natural vegetation or landscape planting may be required by the City. Such a barrier must include a**

**vision clearance area for driveways to promote vehicle safety. Guidelines (not intended to limit optional solutions) for such a visual barrier are listed below: 1. Commercial: At least thirty inches (30") high along entire highway frontage except at points of ingress and egress.**

There is currently no visual barrier on the site along the highway frontage.

Since the addition is an expansion of the building equal to 27%, the applicant shall construct or install a visual barrier meeting the requirements of FCC 10-16-7-C and FCC 10-27. The visual barrier shall line the highway frontage of the site for at least 32 feet (27% x 120' of street frontage = 32.4'  $\approx$  32'). The required screening shall have breaks or portals to allow visibility (natural surveillance) into the site and to allow pedestrian access to any adjoining walkways. Hedges used to comply with this standard shall be a minimum of 36 inches in height at maturity, and shall be of such species, number, and spacing to provide year-round screening within five (5) years after planting. Vegetative ground cover is required on all surfaces between the wall/hedge and the street/driveway line. **(Condition 6.2)**

**D. Highway Access: For reasons of safety and to reduce congestion, vehicle access to and from the highway shall be limited to street intersections only. Curb cuts shall be authorized on side streets only, unless:**

- 1. The property does not abut a side street or the property has at least two hundred feet (200') of highway frontage; or**
- 2. The City specifically authorizes the highway curb cuts.**

The applicant has an existing curb cut on their property with ODOT authorized access to Highway 101. This criterion is met.

**E. Parking: Shall be in accordance with Chapter 3 of this Title.**

The application has been reviewed for compliance with the applicable sections of FCC 10-3.

**H. General Provisions:**

- 1. Yards and open areas shall not be used for the storage, display or sale of used building materials, scrap or salvage.**
- 3. Any use allowed must not cause unreasonable odor, dust, smoke, noise, vibration or appearance.**

The applicant has not indicated that there would be any storage required in yards and open areas or unreasonable odor, dust, smoke, noise, vibration, or appearance. No storage in yards and open areas shall be allowed. Other issues may be dealt with through the Florence nuisance code if needed.

**I. Minimum Lot Dimensions: The minimum lot width shall be fifty feet (50').**

The lot is 120' wide, meeting this criterion for the Highway District.

**J. Minimum Lot Area: The minimum lot area shall be six thousand (6,000) square feet.**

The lot area is 30,928 square feet, meeting this criterion for the Highway District.

**K. Height Limitations: The maximum building or structural height shall be twenty eight feet (28').**

The existing building and proposed addition does not exceed 28' in height, meeting this criterion.

**L. Vision Clearance: Refer to Section 10-1-4 and 10-35-2-13 of this Title for definitions, and requirements. (Ord. 26, 2008)**

There are no known vision clearance issues on the site.

**M. Maximum lot coverage shall be 85%, unless a preservation credit is achieved in accordance with FCC 10-34-2-4.**

The building after expansion will be 3,840 square feet. The proposed paved area will be approximately 7,450 square feet. The existing paved area is approximately 10,200 square feet. The total coverage of the three areas will be approximately 21,490 square feet, 70% of the lot area. This criterion is met.

**O. Lighting: Refer to Section 10-37 of this Title for requirements.**

Lighting will be addressed as part of staff review of FCC 10-37.

---

**TITLE 10: CHAPTER 34: LANDSCAPING**

---

**10-34-3: LANDSCAPING**

**10-34-3-1: Applicability.** Except for single-family and duplex dwelling uses, this Section shall apply to all new development as well as changes of use and expansions as described below, and shall apply in all districts except where superseded by specific zoning district requirements. These provisions shall be in addition to the provisions of FCC Title 9 Chapter 5 and where there are conflicts, the provisions of Title 9 Chapter 5 shall prevail.

**B. For modifications or additions to existing development, landscaping shall be brought up to current code requirements in the same proportion as the increase in use and/or building size. (Ord. 4, 2011)**

The building is pre-existing as is the landscaping. The applicant has proposed a 27% increase in the size of the building. Landscaping shall be brought up to code in the same proportion.

**10-34-3-2: Landscaping Plan Required. A landscape plan is required. All landscape plans shall include the following information:**

- A. The location and height of existing and proposed fences and walls, buffering or screening materials.**
- B. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas.**
- C. The location, size, and species of the new proposed plant materials (at time of planting).**
- D. The location(s) of areas where existing vegetation will be cleared and the location(s) of areas where existing vegetation will be preserved, delineated on a recent aerial photo or site plan drawn to scale.**
- E. Existing and proposed building and pavement outlines.**
- F. Specifications for soil at time of planting, irrigation and anticipated planting schedule.**
- G. Other information as deemed appropriate by the City Planning Official.**

The applicant has not provided a landscaping plan. The applicant shall provide a landscaping plan meeting the requirements of FCC 10-34-3-2 to the Planning Department prior the time of landscaping installation or swale permitting. The applicant shall choose an appropriate plant species and size from the Tree and Plant List for the City of Florence for all new plantings. **(Condition 6.3)**

**10-34-3-3: Landscape Area and Planting Standards. The minimum landscaping area is 15% of the lot area, unless specified otherwise in the applicable zoning district for the proposed use. This required minimum landscaping area may be reduced if preservation credits are earned as specified in Section 10-34-2-4.**

The minimum landscaped area for the Highway District is 15% of the lot area. The total site area under consideration is 30,928 square feet. Fifteen percent of 30,928 square feet, or the required landscaped area, is 4,639 square feet. The applicant shall be responsible for making sure that at least 27% of this area is code compliant in proportion with size of the building expansion, or 1,253 square feet. A portion of previously required landscaping has died while the building was unoccupied.

- A. Landscaping shall include planting and maintenance of the following:**
  - 1. One tree per 30 lineal feet as measured along all lot lines that are adjacent to a street.**

The applicant has 120 feet of existing street frontage. The applicant shall be responsible for providing 27% additional trees. Currently the applicant is required to provide four trees. The applicant has indicated that there are three existing trees. A landscape plan submitted by the applicant shall clarify the number of trees on the property. The applicant shall plant one additional tree for the building addition (120 feet x 1 tree per 30 LF = 4.0 trees x 27% = 1.08 ≈ 1 tree). **(Condition 6.4)**

- 2. Six shrubs per 30 lineal feet as measured along all lot lines that are adjacent to a street.**

The applicant has 120 feet of existing street frontage. The applicant shall be responsible for providing 27% additional shrubs. The applicant has only indicated that there is one existing shrub, though there may be more on the site. The applicant shall submit a landscape plan clarifying the number of shrubs on the property. The applicant shall plant 6 additional shrubs (120 feet x 6 shrub per 30 LF = 24.0 trees x 27% = 6.48 ≈ 6 shrubs). These shrubs may also count towards the buffering requirements of this Design Review. **(Condition 6.5)**

- 3. Living plant materials shall cover a minimum of 70 percent of the required landscape area within 5 years of planting.**

Living plant materials shall cover a minimum of 70 percent of the required landscape area (1,253 square feet) within 5 years of planting. **(Condition 6.6)**

- 4. Except for preservation of existing significant vegetation, the required plant materials on-site shall be located in areas within the first 20 feet of any lot line that abuts a street. Exceptions may be granted where impracticable to meet this requirement or the intent is better served. Required trees may be located within the right-of-way and must comply with Section 10-34-4. Plant materials may be installed in any arrangement and do not need to be equally spaced nor linear in design. Plantings and maintenance shall comply with the vision clearance standards of FCC 10-35-2-13.**

All required plant materials shall be located within the first 20 feet of any lot line that abuts a street (Highway 101) unless impractical for placement or as the intent may be better served through a planted storm water swale. After design of storm water swales have been approved by Public Works Director Mike Miller, the applicant shall submit a landscaping plan demonstrating the location and content of landscaped areas. **(Condition 6.7)**

- 5. Pocket-planting with a soil-compost blend around plants and trees shall be used to ensure healthy growth.**

New plants and trees shall be pocket-planted with a soil-compost blend to ensure healthy growth. **(Condition 6.8)**

**10-34-3-4: Landscape Materials.** Permitted landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, existing native vegetation, outdoor hardscape features and storm water features, as described below.

- A. Plant Selection.** A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used, consistent with the purpose of this Chapter. A suggested Tree and Plant List for the City of Florence and the Sunset Western Garden Book are available at City Hall. The selection of plant and tree species shall be based upon site conditions such as wind and sun exposure, space limitations, water availability, and drainage conditions. The use of indigenous plants is encouraged, and may be required where exposure, slope or soil conditions warrant.
- 1. Ground Cover.** Ground cover may consist of separate plants or mowed grass turf. Ground cover plant species shall meet the following minimum standards: plants from 4-inch pots shall be spaced a maximum of 18 inches measured on center, and 1-2 gallon size plants shall be spaced a maximum of 3 feet measured on center.
  - 2. Shrubs.** Shrub plant species shall be planted from 3 gallon containers unless otherwise specified in the Tree and Plant List for the City of Florence.
  - 3. Trees.** Evergreen and deciduous tree species shall meet the following minimum standards: deciduous trees shall be a minimum of 1 ¾ inch caliper (diameter) measured 6 inches above grade, and evergreen trees shall be a minimum of 5 feet tall (Nursery Grade 5/6).
  - 4. Non-plant Ground Covers.** Bark dust, chips, aggregate, or other non-plant ground covers may be used. Non-plant ground cover located adjacent to pedestrian ways shall be confined to the material within the planting bed to avoid safety hazards by edging 4 inches above-grade or recessing from grade. Non-plantground covers cannot be a substitute for ground cover plants.

The applicant shall meet the criteria of FCC 10-34-3-4 for all new plantings.  
(Condition 6.9)

**10-34-3-5: Irrigation.** Permanent, underground irrigation is required for all landscaping, except existing native vegetation that is preserved in accordance with the specifications of Section 10-34-2-2 and new drought tolerant plants which must have temporary irrigation for plant establishment. All irrigation systems require an irrigation permit and shall be installed with a backflow prevention device per FCC 9-2-3-5.

New plantings shall be irrigated unless deemed a drought tolerant plant through the Tree and Plant List. The applicant shall perform temporary irrigation until the plant has become established or an irrigation system has been installed. The applicant shall provide a statement prior to final occupancy of the building stating their preference and intent. **(Condition 6.10)**

- B. Parking/Maneuvering Area Adjacent to Building.** Where a parking or maneuvering area or driveway is adjacent to a building, the area shall be separated from the building by a curb and a raised walkway, plaza, or landscaped buffer not less than five (5) feet in width. Raised curbs, bollards, wheel stops, or other design features shall be used to protect pedestrians, landscaping, and buildings from being damaged by vehicles.

The pre-existing portions of the parking lot/driveway meet these requirements. Wheel stops, raised curbs, bollards, or other design features shall be used to protect pedestrians, landscaping, and buildings from being damaged by vehicles where new landscaping and new paving is being constructed along the north and east sides of the building. **(Condition 6.11)**

**10-34-3-6: Parking Lot Landscape Standards.** All parking lots shall meet Parking Area Improvement Standards set forth in FCC 10-3-8. Parking areas with more than twenty (20) spaces shall include interior landscaped “islands” to break up the parking area. Interior parking lot landscaping shall count toward the minimum landscaping requirement of Section 10-34-3-3. The following standards apply:

The proposed expansion will bring the total number of parking spaces to 20. FCC 10-34-3-6 states that the code applies only to parking lots with more than 20 spaces.

**10-34-3-7: Buffering and Screening.** Buffering and screening are required under the conditions listed below. Walls, fences, and hedges shall comply with the vision clearance requirements and provide for pedestrian circulation, in accordance with FCC 10-35-2-13. (See Section 10-34-5 for standards specific to fences and walls.)

- A. Parking/Maneuvering Area Adjacent to Streets and Drives.** Where a parking or maneuvering area is adjacent and parallel to a street or driveway, a berm; an evergreen hedge; decorative wall (masonry or similar quality material) with openings; arcade; trellis; or similar partially opaque structure 3-4 feet in height shall be established between street and driveway or parking area. See also FCC 10-3-8-D for standards specific to parking lots adjacent to the street. The required screening shall have breaks or portals to allow visibility (natural surveillance) into the site and to allow pedestrian access to any adjoining walkways. Hedges used to comply with this standard shall be a minimum of 36 inches in height at maturity, and shall be of such species, number, and spacing to provide year-round screening within



**five (5) years after planting. Vegetative ground cover is required on all surfaces between the wall/hedge and the street/driveway line.**

The site has a shared driveway and maneuvering area, but no parking is immediately adjacent to this area and buffering is not necessary. This criterion has been addressed as Condition 5.1 in response to FCC 10-15-7-C.

- B. Parking/Maneuvering Area Adjacent to Building. Where a parking or maneuvering area or driveway is adjacent to a building, the area shall be separated from the building by a curb and a raised walkway, plaza, or landscaped buffer not less than five (5) feet in width. Raised curbs, bollards, wheel stops, or other design features shall be used to protect pedestrians, landscaping, and buildings from being damaged by vehicles.**

This item has been addressed as Condition 5.10.

- C. Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Other Screening When Required. All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas shall be screened from view from all public streets and adjacent Residential districts. When these or other areas are required to be screened, such screening shall be provided by:**

- 1. a decorative wall (i.e., masonry or similar quality material),**
- 2. evergreen hedge,**
- 3. opaque or sight-obscuring fence complying with Section 10-34-5, or**
- 4. a similar feature providing an adequate screen.**

The applicant has indicated that the addition will be used for storage of materials. These materials shall be screened in accordance with FCC 10-34-3-7-C through the use and construction of a decorative wall, evergreen hedge, fence, or similar feature. Screening of the storage area shall encompass the perimeter of the storage area. (Condition 6.12)

- D. Abutting Land Use Buffers. When a commercial, industrial, or other non-residential use abuts a residential district or residential land use, a visual and noise buffer shall be established and maintained immediately adjacent to the residential property line, consistent with the standards listed in the table below. In no case shall the buffer strip be less than 15 feet in width unless reduced by the Planning Commission where a lesser distance will provide adequate buffering. The buffer strip may include existing vegetation, landscape plantings, evergreen hedge, berm, fence, and/or wall components. Fence and wall structures shall be not less than 6 feet and no more than 8 feet in height (see also**

**Section 10-34-5). The landscaped buffer shall effectively screen at least 70 percent of the view between districts within five (5) years. Significant vegetation in these buffer strips may be preserved in accordance with Section 10-34-2, and replanting of local native vegetation is encouraged.**

The proposed use and building and existing building do not abut a residential land use or residential district. The site is separated from potential conflicts with residential uses through undeveloped Redwood Street and undeveloped 31<sup>st</sup> Street, but this vegetation cannot be used to meet the site's buffering needs. When 31<sup>st</sup> Street is constructed, the applicant shall provide for a vegetative buffer and fencing no less than six feet in height along the south side of the property. **(Condition 6.13)**

**10-34-3-8: Maintenance.** If the plantings fail to survive, the property owner shall replace them with an equivalent specimen (i.e., native Rhododendron replaces native Rhododendron, evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.) within six (6) months of their dying or removal, whichever comes first. All man-made features required by this Code shall be maintained in good condition, or otherwise replaced by the owner within six (6) months of any such feature being removed or irreversibly damaged (whichever comes first).

The applicant shall maintain their landscaping and replace any failed plantings with an equivalent specimen within six months of their dying or removal. **(Condition 6.14)**

**10-34-5: FENCES AND WALLS:** Construction of fences and walls shall conform to all of the following requirements:

- A. General Requirements.** All fences and walls shall comply with the height limitations of the respective zoning district and the standards of this Section. The City may require installation of walls and/or fences as a condition of development approval, in accordance with land division approval, approval of a conditional use permit, or design review approval. When required through one of these types of approvals, no further land use review is required. (See also, Section 10-34-3-6 for landscape buffering and screening requirements.)
- B. Dimensions.**
  - 2. Commercial and Industrial Zones:** Except as provided below, the height of fences and walls in any required front yard shall not exceed three (3) feet as measured from the grade and no greater than eight (8) feet elsewhere on site.

Fencing and walls which may be installed by the applicant in relation to this project or in response to Condition 5.10 above must meet the criteria of FCC 10-34-5.

---

## **TITLE 10: CHAPTER 35: ACCESS AND CIRCULATION**

---

**10-35-2-10: Joint and Cross Access – Requirement:** When necessary for traffic safety and access management purposes, the City may require joint access and/or shared driveways in the following situations:

- B.** For adjacent developments, where access onto an arterial street is limited and access spacing standards can not otherwise be met;

**10-35-2-11: Joint and Cross Access – Easement and Use and Maintenance Agreement:** Pursuant to this Section, the following documents shall be recorded with the deed for each parcel:

- A.** An easement allowing cross-access to and from other properties served by the joint-use driveways and cross-access or service drive;
- B.** An agreement that remaining access rights along the roadway for the subject property shall be dedicated to the City and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;
- C.** A joint maintenance agreement defining maintenance responsibilities of property owners.

The offices to the north of 3120 Highway 101 access Highway 101 through a joint access on the 3120 Highway 101 property. No access easement has been recorded. An access easement between the applicant and the owner of the building to the north shall be recorded for the driveway onto Highway 101. **(Condition 7.1)**

**10-35-2-12: 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:
  - 3.** Where a driveway is to provide two-way traffic, the minimum width shall be 18 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.

The applicant should confer with the Public Works Director in order to determine whether or not the driveway apron for the site is appropriate. **(Informational 2)**

**10-35-3-1: Sidewalk Requirements: A. Requirements: Sidewalks shall be newly constructed or brought up to current standards concurrently with development under any of the following conditions:**

2. Upon any redevelopment of property that expands the building square footage by 25% or more.
3. Upon any change of use that requires more than five additional parking spaces.

The applicant will be required to provide sidewalks which meet the current code standards because they both are redeveloping the property and expanding building square footage by 25% and are requesting a change of use that requires more than five additional parking spaces.

**B. Exceptions: The Public Works Director may issue a permit and certificate allowing noncompliance with the provisions of subsection (A) of this section and obtain instead a nonremonstrance agreement for future improvements when, in the Public Works Director's determination, the construction of a sidewalk is impractical for one or more of the following reasons:**

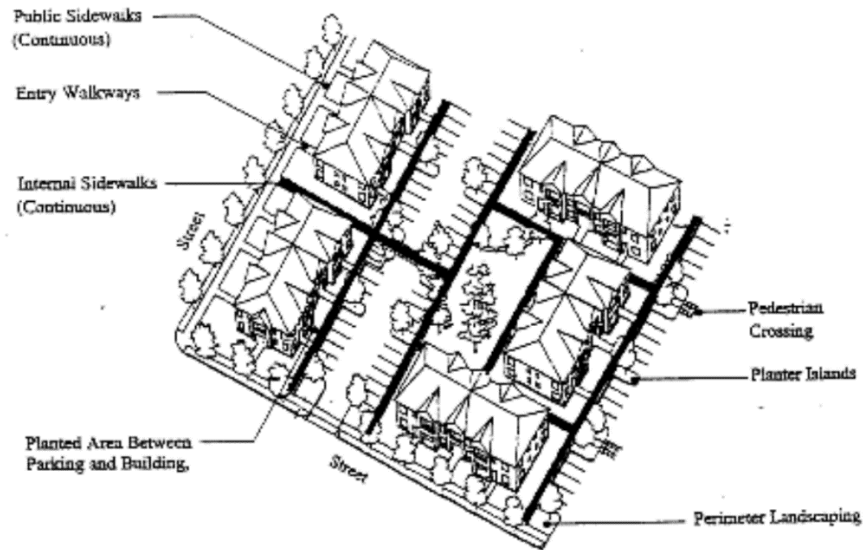
1. Sidewalk grades have not and cannot be established for the property in question within a reasonable period of time.
2. Future installation of public utilities or street paving would, of necessity, cause severe damage to existing sidewalks.
3. Topography or contours make the construction of a sidewalk impractical.
4. Physical improvements are present along the existing street that prevents a reasonable installation within the right-of-way or adjacent property.
5. If the proposed development is in a residential zoning district and there are no sidewalks within 400 linear feet.

The applicant should consult with the Public Works Director to determine if any of the conditions listed in FCC 10-35-3-1-B exist in the sidewalks already onsite. The Public Works Director has requested that a non-remonstrance agreement be signed for all possible future public improvements to 31<sup>st</sup> Street and Redwood Street,

including, but not limited to streets, sidewalks, and other utilities within those right-of-ways as addressed as part of Condition 7.2.

**10-35-3-2: Site Layout and Design:** To ensure safe, direct, and convenient pedestrian circulation, all developments shall provide a continuous pedestrian system. The pedestrian system shall be based on the standards in subsections A - C, below:

- A. Continuous Walkway System.** The pedestrian walkway system shall extend throughout the development site and connect to all future phases of development, and to existing or planned offsite adjacent trails, public parks, and open space areas to the greatest extent practicable. The developer may also be required to connect or stub walkway(s) to adjacent streets and to private property with a previously reserved public access easement for this purpose in accordance with the provisions of Section 10-35-2, Vehicular Access and Circulation, and Section 10-36-2 Street Standards.
- B. Safe, Direct, and Convenient.** Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets, based on the following criteria:
  - 1. Reasonably direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
  - 2. Safe and convenient. Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.
  - 3. "Primary entrance" for commercial, industrial, mixed use, public, and institutional buildings is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.
- C. Connections Within Development.** Connections within developments shall be provided as required in subsections 1 - 3, below:
  - 1. Walkways shall be unobstructed and connect all building entrances to one another to the extent practicable, as generally shown in Figure 10-35(5);
  - 2. Walkways shall connect all on-site parking areas, storage areas, recreational facilities and common areas, and shall connect off-site adjacent uses to the site to the extent practicable. Topographic or existing development constraints may be cause for not making certain walkway connections; and



The applicant shall provide internal sidewalks in all new areas of paving (north and east sides) in order to protect pedestrians from vehicular traffic and provide a safety separation between the building and parking spaces. The pedestrian area may be separated from the parking spaces by a raised curb or by wheel stops. **(Condition 7.3)**

---

## TITLE 10: CHAPTER 37: LIGHTING

---

**10-37-2: APPLICABILITY:** Section 10-37 applies to installation of all lighting fixtures as of the effective date of this Ordinance, except as exempted by provision of this Ordinance. Devices include but are not limited to, lights for: buildings and structures, recreational areas, parking lot and maneuvering areas, landscape areas, streets and street signs, product display areas, building overhangs and open canopies, holiday celebrations, and construction lights.

- A. **Resumption of Use** - If a property with non-conforming lighting is abandoned for a period of one year or more, then all exterior lighting shall be brought into compliance with this Ordinance before any further use of the property occurs.
- B. **Major Additions or Alterations** - If a major addition occurs on a property, lighting for the entire property shall comply with the requirements of this Code. For purposes of this section, the following are considered to be major additions:
  - 1. **Additions of 26 percent or more** in terms of additional dwelling units, gross floor area, seating capacity, or parking spaces, either with a single addition or with cumulative additions after the effective date of this Ordinance.

- 2. Single or cumulative additions, modification or replacement of 25 percent or more of installed exterior lighting luminaires existing as of the effective date of this Ordinance.**

As resumption of use, exterior lighting fixtures installed must meet the requirements of Title 10, Chapter 37. Also, as an addition of 27% and an addition of nine parking spaces (45% additional parking), lighting is required to be brought into compliance with current code.

**10-37-3: LIGHTING PLANS REQUIRED:** All applications for building permits and land use planning review which include installation of exterior lighting fixtures, not exempted, shall include the number of luminaires, the number of lamps in each luminaire, a photometric report for each type of luminaire and a site plan with the photometric plan of the lumen output.

**The City shall have the authority to request additional information in order to achieve the purposes of this Ordinance.**

The applicant has provided a lighting plan with their site plan that included the number of luminaires, number of lamps in each luminaire, photometric reports for each type of luminaire and a site plan.

**10-37-4: LIGHTING STANDARDS:**

- A. All exterior lighting fixtures subject to this code section must be designed as a full cut-off fixture or have a shielding method to direct light emissions downward below the horizontal plane onto the site and does not shine illumination or glare skyward or onto adjacent or nearby property.**

The applicant meets this criterion for all proposed lighting fixtures. There are no existing exterior lighting fixtures.

- B. Parking areas shall have lighting to provide at least two (2) foot-candles of illumination at any point in the entire lot with a maximum of five (5) footcandles over parking spaces and walkways. The Design Review Board may decrease the minimum if the applicant can provide documentation that the overall parking lot has adequate lighting. The Design Review Board may increase the maximum on a case-by-case basis, with no greater than 7 foot-candles measured directly under the light fixture.**

The lighting submitted by the applicant (Exhibit D) indicates that the selected lighting will meet the criteria listed above.

- C. Lighting in or adjacent to residential zones or residential uses shall not exceed twenty feet in height as measured from the adjacent grade to the top of the light fixture. Heights in other zoning districts shall not exceed**

**25 feet unless the Design Review Board adopts findings that the higher light fixtures are necessary to achieve proper illumination levels.**

The lighting selected by the applicant shall not exceed twenty feet in height from the adjacent grade. **(Condition 8.1)**

- D. Main exterior lights for commercial, institutional, and industrial buildings, landscaping and parking lots shall be extinguished at end of business hours with a minimum lighting remaining for personal and building security and safety after hours.**
- E. A thirty-day review period beginning with the first day in business using the new lighting system shall be required to evaluate and adjust illumination levels of lighting. The City may ask for lighting to be adjusted in this time period based on public comments or staff inspections.**

The applicant shall extinguish all lighting not needed for personal and building security and safety after hours. The applicant shall also submit to a 30-day review period beginning from the day of installation of lighting after land use approval. Lighting which does not meet the specifications of City Code may result in the need for changes to adjust the illumination level. **(Condition 8.2)**

---

## **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.**
-



---

## VI. CONCLUSIONS AND RECOMMENDATIONS

Staff finds that the proposed application meets the requirements of City Code with conditions, and recommends approval of the conditional use permit subject to the following conditions.

---

## VII. 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 for shall be shown on:

"A" *Findings of Fact*

"B" Land Use Application & Supplemental Emails

"C" Site Plan

"D" Lighting Information

"E" Fire Marshal Comments Received

"F" Public Works Director Comments Received

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.

2.1. 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.

2.2. As this building is commercial, a building permit shall be required for construction of the driveway.

### 3. Parking

3.1. The property owner and applicant shall ensure that the off-street parking provided is maintained and remains available and exclusive as off-street parking and loading.

- 3.2. The parking spaces shall be maintained for the theater use and shall not be eliminated, used for the storage of materials of any type, or used for loading or unloading operations during business hours.
- 3.3. The applicant shall provide one ADA Van Accessible parking space with a minimum 96" wide access aisle. The required accessible parking space shall be identified with signs and pavement marking identifying them as reserved for persons with disabilities. The sign identifying the space as reserved shall be posted between 42 inches and 72 inches in height above the pavement level and identified as a van space.
- 3.4. The applicant shall ensure that ensure that motor vehicles are prevented from encroaching upon public walkways, sidewalks, and required landscaped areas.
- 3.5. The applicant shall provide a building permit application with exact dimensions of the area to-be paved as well as the curb cut dimensions, grading and drainage details, and specifications for signage of the ADA accessible parking space.
- 3.6. Motor vehicle spaces, including existing motor vehicle spaces, shall meet the requirements of FCC 10-3-9. Existing spaces shall meet the criteria of FCC 10-3-9 when the lot is resurfaced, resealed, or restriped.
- 3.7. The applicant shall provide no less than two bicycle parking spaces located no further away from the entrance to the building than the closest new parking space and shall have signage designating the spaces as bicycle parking only and meeting the requirements of FCC 10-3-10. A location meeting the requirements of FCC 10-3-10 is preferred both for convenience and visibility and security.

#### **4. Design Review**

- 4.1. Any use of the vacant land east of the site requires review by the Planning Department.
- 4.2. If the applicant chooses to change the building color, colors chosen shall be of a muted, Pacific Northwest coastal-themed palette and shall be approved by the Planning Department.

#### **5. Timelines**

- 5.1. Required changes such as, but not limited to the addition of paved parking and landscaping shall have until six months from the date of issuance (January 14, 2016), concurrent with operation of the facility, to be completed.
- 5.2. The Design Review approval for the structure shall include that for the proposed covered area at the east end of the building. Since no elevations were available, the design of the covered area shall be approved by staff prior to the issuance of building permits and the colors and materials selected to

match the existing building. The approval for Design Review of the proposed facility shall expire on July 14, 2016, but the applicant may apply for a one-time, one-year extension per FCC 10-6-9.

## **6. Landscaping**

- 6.1.** The applicant shall ensure vegetation is located within the 12' of setbacks adjacent to 31<sup>st</sup> Street, not including vegetation within the 31<sup>st</sup> Street right-of-way.
- 6.2.** The applicant shall construct or install a visual barrier meeting the requirements of FCC 10-16-7-C and FCC 10-27. The visual barrier shall line the highway frontage of the site for at least 32 feet (27% x 120' of street frontage = 32.4'  $\approx$  32'). The required screening shall have breaks or portals to allow visibility (natural surveillance) into the site and to allow pedestrian access to any adjoining walkways. Hedges used to comply with this standard shall be a minimum of 36 inches in height at maturity, and shall be of such species, number, and spacing to provide year-round screening within five (5) years after planting. Vegetative ground cover is required on all surfaces between the wall/hedge and the street/driveway line.
- 6.3.** The applicant shall provide a landscaping plan meeting the requirements of FCC 10-34-3-2 to the Planning Department prior the time of landscaping installation or swale permitting. The applicant shall choose an appropriate plant species and size from the Tree and Plant List for the City of Florence for all new plantings.
- 6.4.** The applicant shall plant 1 additional tree.
- 6.5.** The applicant shall plant 6 additional shrubs. These shrubs may also count towards the buffering/screening requirements of this Design Review.
- 6.6.** Living plant materials shall cover a minimum of 70 percent of the required landscape area (1,253 square feet) within 5 years of planting.
- 6.7.** All required plant materials shall be located within the first 20 feet of any lot line that abuts a street (Highway 101) unless impractical for placement or as the intent may be better served through a planted storm water swale. After design of storm water swales have been approved by Public Works Director Mike Miller, the applicant shall submit a landscaping plan demonstrating the location and content of landscaped areas.
- 6.8.** New plants and trees shall be pocket-planted with a soil-compost blend to ensure healthy growth.
- 6.9.** The applicant shall meet the criteria of FCC 10-34-3-4 for all new plantings.
- 6.10.** New plantings shall be irrigated unless deemed a drought tolerant plant through the Tree and Plant List. The applicant shall perform temporary irrigation until the plant has become established or an irrigation system has

been installed. The applicant shall provide a statement prior to final occupancy of the building stating their preference and intent.

- 6.11. Wheel stops, raised curbs, bollards, or other design features shall be used to protect pedestrians, landscaping, and buildings from being damaged by vehicles where new landscaping and new paving is being constructed along the north and east sides of the building.
- 6.12. The applicant has indicated that the addition will be used for storage of materials. These materials shall be screened in accordance with FCC 10-34-3-7-C through the use and construction of a decorative wall, evergreen hedge, fence, or similar feature. Screening of the storage area shall encompass the perimeter of the storage area.
- 6.13. The applicant shall maintain their landscaping and replace any failed plantings with an equivalent specimen within six months of their dying or removal.

## **7. Access and Circulation**

- 7.1. A reciprocal access easement shall be recorded for the driveway onto Highway 101 extending the length of the paved access.
- 7.2. A non-remonstrance agreement shall be signed for all possible future public improvements to 31<sup>st</sup> Street and Redwood Street, including, but not limited to streets, sidewalks, and other utilities within those right-of-ways.
- 7.3. The applicant shall provide internal sidewalks in all new areas of paving (north and east sides) in order to protect pedestrians from vehicular traffic and provide a safety separation between the building and parking spaces. The pedestrian area may be separated from the parking spaces by a raised curb or by wheel stops.

## **8. Lighting**

- 8.1. The lighting selected by the applicant shall not exceed twenty feet in height from the adjacent grade.
- 8.2. The applicant shall extinguish all lighting not needed for personal and building security and safety after hours. The applicant shall also submit to a 30-day review period beginning from the day of installation of lighting after land use approval. Lighting which does not meet the specifications of City Code may result in the need for changes to adjust the illumination level.

## **Informational**

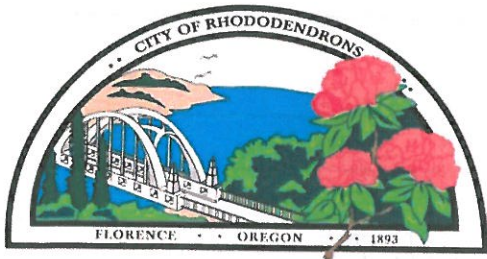
- 1. The applicant should separate the theater portion of the building from the rest through a minimum one-hour separation. The allowable area for the seated theater is approximately 650 square feet without the installation of a sprinkler system.

2. The applicant should speak to Public Works Director Mike Miller regarding the compliance and appropriateness of the sidewalk and driveway apron.

## IX. EXHIBITS

"A" Findings of Fact
"B" Land Use Application & Supplemental Emails
"C" Site Plan
"D" Lighting Information
"E" Fire Marshal Comments Received
"F" Public Works Comments Received





*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](http://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: Shawn Fleming Const. Phone 1: 541-999-8727  
E-mail Address: woodworking929@gmail.com Phone 2: \_\_\_\_\_  
Address: 2099 45<sup>th</sup> Florence OR 97439  
Signature: SLF Date: \_\_\_\_\_  
Applicant's Representative (if any): Shawn Fleming

### Property Owner Information

Name: Woahink Investment Group Phone 1: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_ Phone 2: \_\_\_\_\_  
Address: P.O. Box 184 Florence OR.  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
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:

Received  
**RECEIVED**  
City of Florence  
**APR 24 2015**  
By: \_\_\_\_\_

Approved

Exhibit

**EXHIBIT B**



Property Description

Site Address: 3120 Highway 101

General Description: \_\_\_\_\_

Assessor's Map No.: 18-12-23-23 Tax lot(s): 3400

Zoning District: \_\_\_\_\_

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: 3200 Square feet of existing: 3200

Hours of operation: TBA Existing parking spaces: 11

Is any project phasing anticipated? (Check One): ☒ Yes ☐ No

Timetable of proposed improvements: 6 TO 8 months

Will there be impacts such as noise, dust, or outdoor storage? ☒ Yes ☐ No

If yes, please describe: a covered area (800 sqft) for storage/ect

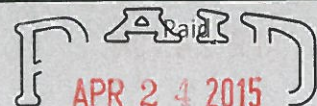
Proposal: (Describe the project in detail, what is being proposed, size, objectives, and what is desired by the project. Attach additional sheets as necessary)

Remodel inside of structure - Two new ADA Bathrooms - Two Dressing Rooms, a Kitchenette Area, A Workshop Area, And a Area For small performances/Teaching/Rehearsals.

For Office Use Only:

Date Submitted: April 24, 2015 Fee: 1400.00

Received by: gdfc



BY: \_\_\_\_\_



## Other Information Required

Below is a check list of the required information to determine if an application is complete. The Florence City Code is available at City Hall or online at [www.ci.florence.or.us](http://www.ci.florence.or.us) (click on "City Code" which is located on the main menu). You will also find the *Florence Transportation Plan*, *Downtown Architectural Guidelines*, *Highway 101 Access Management Plans*, *Stormwater Design Manual*, and *Stormwater Management Plan* available on the City's website or at the City Hall for review or purchase.

☐ Site Plan existing and proposed drawn to scale, showing the following:

- Existing and proposed site boundaries and proposed lot boundaries
- Existing and proposed structures
- Existing and proposed roads, streets, rights-of-way, pedestrian walks (widths and types), names, grades, radii
- Existing and proposed utility services – location of water and sewer lines, drainage routes and facilities, manholes, meters, fire hydrants, etc...
- Areas of scenic value, wildlife habitat, potential hazard areas (floodplains, geologic instability), wetlands, or other areas of special significance

*Note: Please submit an electronic copy of any plans submitted larger than 11" x 17"*

☐ A title report from a title company showing:

- Existing liens
- Access and/or utility easements
- Legal description

☐ Utility Plan:

List all utilities currently available to the site AND add this information to a utility plan map (See FCC 10-1-1-4-B-2).

*Note: For help identifying the location of utilities, please call Dig Safely Oregon at 1-800-332-2344 or dial 811. Call Public Works (541-997-4106) to determine the size of utility lines. Call the Fire Marshal (541-997-3212) to determine fire flows.*

Water Supply: \_\_\_\_\_ - inch line available from \_\_\_\_\_ (Street)  
Sanitary Sewer: \_\_\_\_\_ - inch line available from \_\_\_\_\_ (Street)  
Storm Sewer: \_\_\_\_\_ - inch line available from \_\_\_\_\_ (Street)

Check if available: ☐ Telephone ☐ Cable TV ☐ Electrical ☐ Other (Such as fiber optics)

Please provide a plan drawn to common scale showing the location of existing and proposed buildings, existing and proposed utility services, location and size of water and sewer lines, drainage routes, manholes, meters, fire hydrants, fire flows, and 2' contours.

☐ Lighting Plan:

Show location of each light fixture, diagram illustrating foot-candle distribution, and elevation drawing of each light fixture in conformance to FCC 10-3-8-G.

☐ Access Permits:

For properties along State or County roads (see FCC 10-35-2-4), a state or county access permit or application is required. For properties on Highway 101 located between Highway 126 and the Siuslaw River Bridge, please also refer to the *Highway 101 Access Management Plan*.

☐ Proposed:

Are new streets planned or needed? (Please refer to the Transportation System Plan)

☐ Yes ☐ No If yes, please describe: \_\_\_\_\_

Are utility upgrades or extensions planned or needed?

☐ Yes ☐ No If yes, please describe: \_\_\_\_\_

If you answered yes to either question above, how will these improvements be funded?

---

☐ Stormwater Plan:

Per FCC 9-5-2-4, a drainage plan is required for projects which add **500 SQUARE FEET OR GREATER** of impervious surface area or clearing vegetation from **10,000 SQUARE FEET OR GREATER** (single family homes are excluded). Please refer to FCC 9-5 and the Florence Stormwater Design Manual for requirements.

☐ Traffic Impact Study:

Per FCC 10-1-1-4-D, larger projects may require a Traffic Impact Study. Please attach a TIA if needed.

☐ Design & Architectural Drawings:

Per FCC 10-6-6-C, if applying for a design review, please attach or describe colors and materials being used as well as elevations of the proposed building.

---

☐ Landscaping Plan:

Per FCC 10-34-3-2, the location, size and species of newly proposed plant materials, location(s) of area where existing vegetation will be cleared and/or preserved, irrigation and anticipated planting schedule, and location of existing and proposed fences and walls including buffering and screening materials.

☐ Erosion Control:

Projects of over 1 acre of land disturbance over a period of time (please see FCC 10-36-4) are required to obtain a National Pollution Discharge Elimination System permit from the Department of Environmental Quality prior to the issuance of a development permit or land use permit based on appropriate criteria.

☐ Site Investigation Report:

Refer to FCC 10-7-3 for the list of hazard areas within the City Limits which will require a SIR.

☐ Old Town District:

Survey: Properties within the Old Town District require a recent survey per FCC 10-17 for all new development, redevelopment, and additions which show property lines, easements, 2' contours, existing structures, floodplain, and highest observed tide.

Visual Aids: New construction or story additions require visual aids. Please refer to FCC 10-17.

## Glen Southerland

---

**From:** woodworking927@gmail.com  
**Sent:** Wednesday, June 24, 2015 9:01 PM  
**To:** Glen Southerland  
**Subject:** Re: C.R.O.W. Email Statement

We are looking at a 80 seat capacity. As it stands now the building has 9 regular parking spaces and one handicap van space. We are planning to add 9 more regular spaces.

The north swale between the parking lots is a standard swale with a overflow valve. To the south of the property a 30' filter strip will be installed.(see # SW-120 and SW-160 on the City of Florence public works website.

The will be a new emergency exit door installed on the south side of the building for egress out of the theater area.

The proposed covered area located in the back of the building will have a shed style pitch. The roofing materials will match the existing building.Four posts will support the front of the roof. A concrete slab on grade will be poured for the floor.

I will measure up the blackout again to get a accurate number. Thanks again Shawn

Sent from my iPad

On Jun 24, 2015, at 8:44 AM, Glen Southerland <[glen.southerland@ci.florence.or.us](mailto:glen.southerland@ci.florence.or.us)> wrote:

Hi Shawn,

What I needed was a "statement" regarding the number of seats planned for the theater, number of parking spaces before and as proposed, which swale type would be in which area (between the parking lots or at the rear of the property), the measurements of the paved area before and as proposed, as well as a statement regarding the side door and the construction (appearance) of the covered deck/storage area. Even though the covered area is not going to be built immediately, it would be best to get that approved as part of this proposal. C.R.O.W. would have a year to build under this approval and could request another year extension (application fee of \$500) if they chose.

Did you know what plants will be in the swales? It could help your overall landscaping by taking away from the number of trees/shrubs that need to be planted elsewhere.

You can always feel free to email me anytime.

Thank you,

**Glen Southerland**

Assistant Planner

City of Florence Planning Department

[ci.florence.or.us](http://ci.florence.or.us)

250 Highway 101

Florence, OR 97439

Phone: (541) 997-8237

The City of Florence is an equal opportunity employer and service provider.

PUBLIC RECORDS LAW DISCLOSURE:

---

This email has been scanned by the Symantec Email Security.cloud service.  
For more information please visit <http://www.symanteccloud.com>

---

## Glen Southerland

---

**From:** woodworking927@gmail.com  
**Sent:** Tuesday, June 30, 2015 6:22 AM  
**To:** Glen Southerland  
**Subject:** Crow paving

Contractor will be installing approximately 7450 square feet of additional blacktop to accommodate new parking spaces.

Sent from my iPad

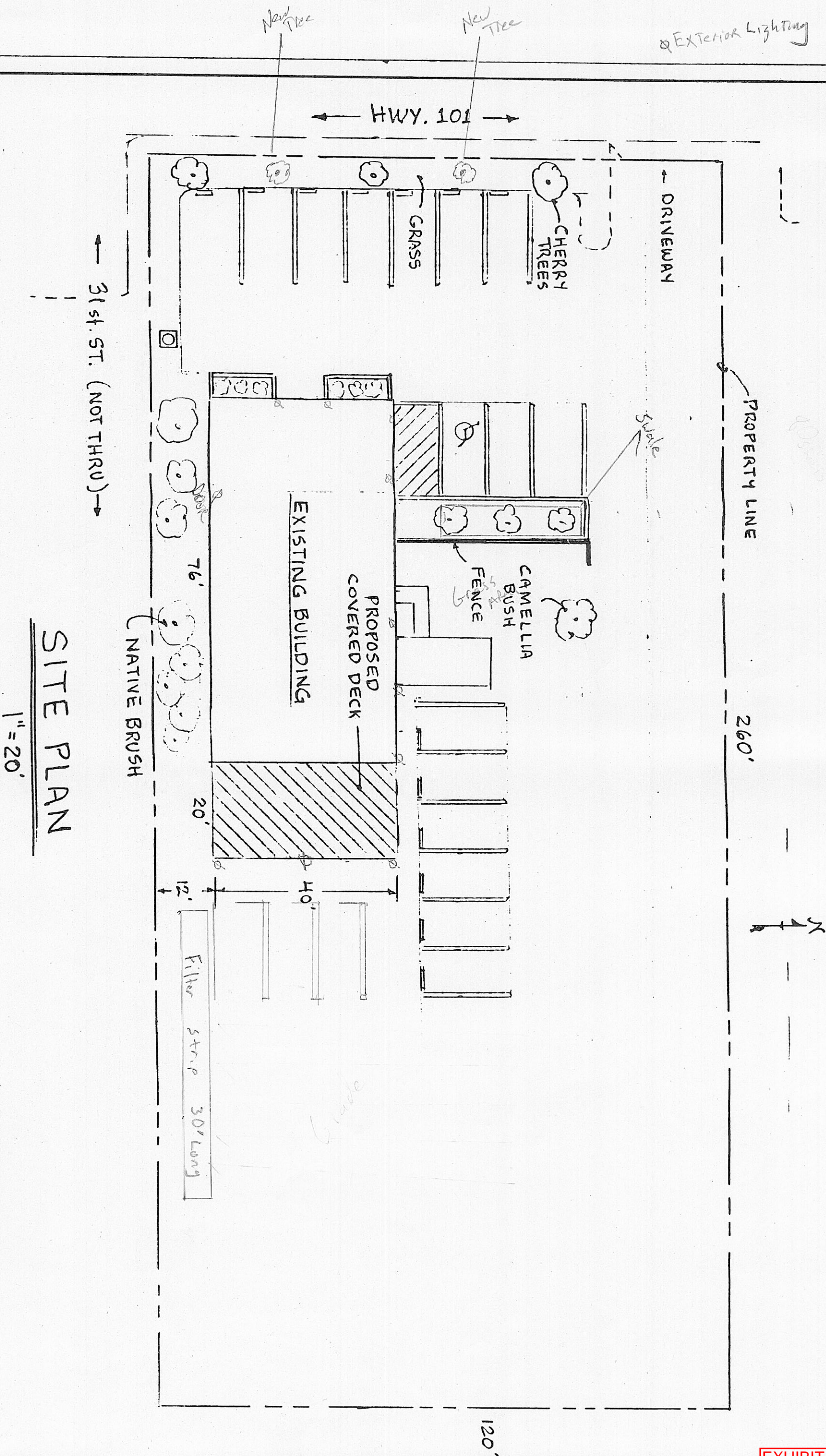
---

This email has been scanned by the Symantec Email Security.cloud service.  
For more information please visit <http://www.symanteccloud.com>

---







EXTERIOR LIGHTING

New Tree

New Tree

HWY. 101

DRIVEWAY

CHERRY TREES

GRASS

3rd ST. (NOT THRU)

PROPERTY LINE

260'

CAMELLIA BUSH

FENCE

EXISTING BUILDING

PROPOSED COVERED DECK

76'

20'

40'

12'

Filter strip 30' Long

NATIVE BRUSH

SITE PLAN

1"=20'

CRAIG DRAFTING  
AND DESIGN  
(541) 997-6926

-PRELIMINARY -  
For design review and estimating  
Only









## Wall Pak Pro

### WPS13LED 13 Watt LED Wall Pak



### SPECIFICATIONS:

**Lumens:** 1570  
**Watts:** 12.95  
**Lumens/Watt:** 121.5  
**CRI:** 82  
**CCT:** 4381  
**Lifespan:** 100,000+

#### Construction:

Designed for commercial and industrial applications, providing cooler operating temperatures, brighter light and longer LED life. Manufactured w/ 100% pure aluminum & 0% remelt. Apertures for field or factory installed photocontrol.

#### Installation:

Labor saving quick mount box with apertures for continuous wiring.

#### Zero Glare:

Using the latest high brightness, high LED count technology, more usable light output is produced while eliminating glare. The fixture design directs more light down and forward without wasting lumens and offensive light.

#### Thermal Management:

Atlas Wall Pak Pro fixtures are designed as a complete system to optimize LED life and light output. The Patent Pending thermal stacking heat removal technology extracts heat from within the housing moving it away from LEDs and components. The lower temperatures result in long LED life (100,000+ hrs) and component life and also allows for higher light output.

#### Listings:

Luminaire is certified to UL Standards for Wet Locations  
 Dark Sky Compliant  
 Lighting Facts Certified  
 DesignLights Consortium qualified luminaire, eligible for rebates from DLC member utilities.

#### AC Input:

120/208/240/277 V

#### Driver:

Constant current, Class 2, 120-277 VAC, 50-60 Hz  
 High Efficiency – min. 84%  
 Off-State Power: 0 Watts  
 Dimming 10-100%

#### LEDs:

4500K CCT  
 Delivers 70% or greater of initial lumens at 100,000 hours  
 Epoxy Guard™ protective conformal coated boards

#### Testing:

Atlas LED luminaires have been tested by an independent laboratory in accordance with IESNA LM-79 & LM-80, and have received the Department of Energy "Lighting Facts" label.

#### Warranty:

Five-year limited warranty

#### Photo Control:

For factory installed 120V button photo control add suffix PC to part number.

### Project Information

Job Name

Fixture Type 13 Watt LED Die Cast Wall Pak

Catalog Number WPS13LED

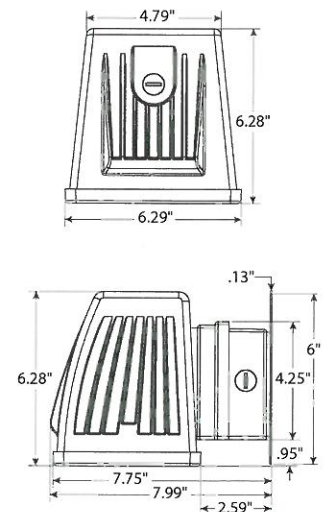
Approved by

**Alpha Series LED**  
 PROFESSIONAL GRADE



Patent Pending

### DIMENSIONS:



RECEIVED  
 City of Florence

JUN 09 2015

By:

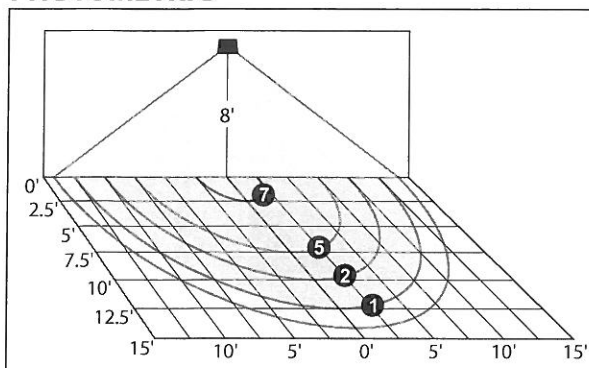
AMS

Rebates and Incentives are available in many areas. Contact an Atlas Representative for more information.

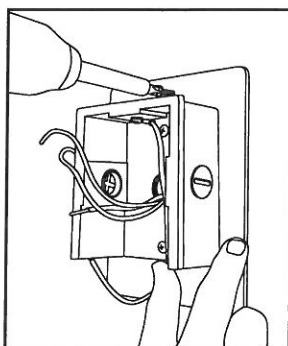
## ATLAS LIGHTING PRODUCTS, INC.

PO BOX 2348 | BURLINGTON, NC 27216  
 800-849-8485 | FAX: 336-227-0110 | www.atlasled.com

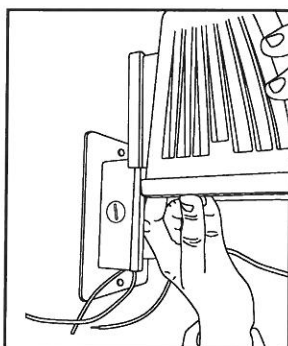
Made in the USA of US and imported parts. **EXHIBIT D**  
 requirements within the ANNA.

**PHOTOMETRIC**

**ENERGY SAVINGS**

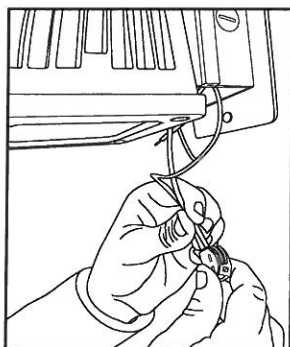
LED		HID			ANNUAL SAVINGS
WATTAGE	ANNUAL COST	SOURCE WATTAGE	TOTAL WATTAGE USED	ANNUAL COST	
13	\$6	50	72	\$52	\$46
13	\$6	70	90	\$59	\$53

**LABOR SAVING: QUICK & SECURE MOUNTING**


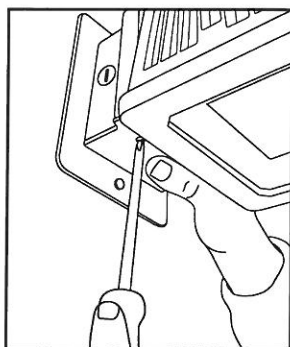
Secure Mounting Plate with back box to wall



Slide fixture housing onto mounting box



Connect wires &amp; return them to mounting box



Replace bottom plate on quick mount box

**LED**  
**lighting facts**<sup>®</sup>  
A Program of the U.S. DOE

Atlas Lighting Products

<b>Light Output (Lumens)</b>	<b>1570</b>
<b>Watts</b>	<b>12.95</b>
<b>Lumens per Watt (Efficacy)</b>	<b>121.5</b>

---

<b>Color Accuracy</b> Color Rendering Index (CRI)	<b>82</b>
--	-----------

---

**Light Color**  
Correlated Color Temperature (CCT)

**4381 (Bright White)**

2700K    3000K    4500K    6500K

All results are according to IESNA LM-79-2008: *Approved Method for the Electrical and Photometric Testing of Solid-State Lighting*. The U.S. Department of Energy (DOE) verifies product test data and results.

Visit [www.lightingfacts.com](http://www.lightingfacts.com) for the *Label Reference Guide*.

Registration Number: PR84-YAYNPS (2/27/2015)  
 Model Number: WPS13LED [Upgrade : 2/4/2015]  
 Type: Luminaire - Area/Roadway

## Veve Walker

---

**From:** Sean Barrett <sean@svfr.org>  
**Sent:** Tuesday, June 23, 2015 5:00 PM  
**To:** Veve Walker  
**Subject:** RE: Referral - PC 15 11 CUP 06 - C.R.O.W.

Fire has reviewed PC 15 11 CUP06 and have no concerns issuing the permit. During the building permit stage; Due to square footage the proposed 80 seat theatre shall be separated from the rest of the building by a minimum 1 hour separation. The allowable square footage for the seated theatre is approximately 650 square feet. Otherwise the building shall be required to have a sprinkler system installed due to having a total occupant load of over 300.

---

**From:** Veve Walker [<mailto:vevie.walker@ci.florence.or.us>]  
**Sent:** Monday, June 22, 2015 3:45 PM  
**To:** Mike Miller; Jim Langborg; Sean Barrett; Eric Rines; Tom Turner; [odotr2planmgr@odot.state.or.us](mailto:odotr2planmgr@odot.state.or.us)  
**Cc:** Glen Southerland  
**Subject:** Referral - PC 15 11 CUP 06 - C.R.O.W.

Good afternoon,

The purpose of this notice is to acquaint you with the proposed development, to gather information you may have about the project, and provide an opportunity to comment and express concerns related to the approval criteria, prior to the Planning Commission's decision to approve or deny the project proposal.

Please contact the Planning Department with any questions.

Thank you kindly,

Veve  
LiveHappy!  
**Veve M. Popplewell-Walker**  
Planning Administrative Assistant  
[vevie.walker@ci.florence.or.us](mailto:vevie.walker@ci.florence.or.us)  
541-997-8237

City of Florence  
250 Hwy 101  
Florence, OR 97439

**Follow Us!** [City Website](#) | [Facebook](#) | [Twitter](#) | [Vimeo](#)

The City of Florence is an equal opportunity employer and service provider.

**PUBLIC RECORDS LAW DISCLOSURE:**

This email is a public record of the City of Florence and is subject to public inspection unless exempt from disclosure under Oregon Public Records Law. This email is also subject to the City's Public Records Retention Schedule.

---

This email has been scanned by the Symantec Email Security.cloud service.  
For more information please visit <http://www.symanteccloud.com>

---



## Glen Southerland

---

**From:** Mike Miller  
**Sent:** Tuesday, July 07, 2015 4:43 PM  
**To:** Glen Southerland  
**Cc:** Wendy Farley-Campbell  
**Subject:** CROW Comments

Hi Glen,

The following are our comments regarding CROW:

**Stormwater:** Given that this is an existing building and there is already some paved parking, they will need to provide stormwater treatment for all new hardscaped areas. Public Works has been working with Shawn Fleming (CROW's general contractor) on the stormwater plan and approval of the stormwater treatment solutions will be separate from the land use proceedings. The stormwater plan shall be consistent with the City's 2011 Stormwater Design Manual.

**Vehicle Trip calculation:** In reviewing the proposed use and prior uses of the property, we have determined that the new trip generation to be 25.75 trips per 1,000 square feet of gross floor area on an average weekday. The trip generation rates are from the ITE (Institute of Transportation Engineers) Trip Generation Manual, 9<sup>th</sup> Edition. We used the land use category of Recreational Community Center as the new use and hardware/paint store as the prior use. The prior use calculated to be 36.86 trips per 1,000 square feet of gross floor area per average on an average weekday. Since there is no increase to traffic/transportation demands improvements to 31<sup>st</sup> or Redwood are not necessary at this time.

**Non-Remonstrance Agreement:** The property owner shall enter into a non-remonstrance agreement for future street improvements, including but not limited to water, sewer, stormwater, power, telecommunications and street lighting on 31<sup>st</sup> and Redwood streets when major expansions occur on the property that would necessitate the improvements.

If you have any questions, please call.

Thank you,

Mike

**Mike Miller**  
Public Works Director  
City of Florence  
250 Hwy 101 N  
Florence, OR 97439

Phone: 541-997-4106  
Fax: 541-902-1333

**Follow Us!** [City Website](#) | [Facebook](#) | [Twitter](#) | [Vimeo](#)

The City of Florence is an equal opportunity employer and service provider.

**PUBLIC RECORDS LAW DISCLOSURE:**

This email is a public record of the City of Florence and is subject to public inspection unless exempt from disclosure under Oregon Public Records Law. This email is also subject to the City's Public Records Retention Schedule.

