



City of Florence

250 Hwy 101, Florence, OR 97439
www.ci.florence.or.us

July 26, 2022

Lofy Construction, LLC
Daniel Lofy
P.O. Box 1896
Florence, OR 97439

Dear Mr. Lofy,

Enclosed is a signed copy of the Staff Decision and Findings of Fact for your review. An "Agreement of Acceptance" of the conditions of approval is also enclosed which needs to be signed and returned to the Community Development Department.

Please be advised that the decision may be appealed to the Planning Commission pursuant to Florence City Code, Section 10-1-1-7. The applicant and anyone testifying in writing or in person has standing for appeal. A notice of intent to appeal must be filed with the Community Development Department within twelve (12) calendar days after the notice of decision was rendered by Planning staff, otherwise the decision shall be final. The decision is "rendered" with the mailing of this letter. In this case, the appeal period will end on **July 27, 2022**.

If you have any questions, please feel free to contact me at (541) 997-8237 or at planningdepartment@ci.florence.or.us.

Best Regards,

Wendy FarleyCampbell
Planning Director

Cc: Land-Use File PC 22 11 COU 01
Linda Wilcox

Public Works
2675 Kingwood St.
(541) 997-4106

**City Manager /
City Recorder**
250 Highway 101
(541) 997-3437

**Community Development:
Planning & Building**
250 Highway 101
(541) 997-8237

**Finance /
Utility Billing**
250 Highway 101
(541) 997-3436

Justice Center
900 Greenwood St.
(541) 997-3515

Florence Events Center
715 Quince St.
(541) 997-1994



AGREEMENT OF ACCEPTANCE

City of Florence

PROJECT: A Change of Use application submitted by Daniel Lofy, Lofy Construction LLC, on behalf of Linda Wilcox, property owner, related to the interior remodel and improvements such as parking and landscaping for property located at 1856 37th Street, Assessors Map 18-12-23-22, tax lot 01800, Highway District regulated by Florence City Code Title 10 Chapter 16.

LOCATION: Proposed site is located on Assessor's Map 18-12-23-22, Tax Lot 01800, Highway District regulated by Florence City Code Title 10 Chapter 16.

RESOLUTION: PC 22 11 COU 01 – Wilcox Deli Change of Use

APPLICANT: Lofy Construction, LLC
Daniel Lofy
P.O. Box 1896
Florence, OR 97439

As the applicant for the project described above, I have read and accept the Findings of Fact for PC 22 11 COU 01.

I understand that written evidence of agreement with all conditions of this approval is required before this project approval shall become effective.

Daniel Lofy

Date

Linda Wilcox

Date

Please return to:

City of Florence
Community Development Department
250 Highway 101
Florence, Oregon 97439

AGENDA ITEM SUMMARY / STAFF REPORT
FLORENCE PLANNING COMMISSION

ITEM NO: 6
Meeting Date: *July 12, 2022*

ITEM TITLE: *Resolution PC 22 11 COU 01 – Wilcox Delicatessen*

OVERVIEW:

Application: The applicant proposes to convert a former print shop into a delicatessen in the south half of a building located at 1856 37th St. in the Highway District. The north side of the building is occupied by a laundromat and coin showers. The deli requires more than 5 additional parking spaces to what is currently required. Such proposal, under FCC 10-1-1-6-3 A. 2., requires Planning Commission review and approval. The property is tied to two other tax lots; both of which supply the subject building with parking spaces and one of which contains a two-story building with a thrift store located on the first floor and an apartment on the second floor. Shared parking between the laundromat, proposed deli, thrift store and apartment is anticipated and calculated in FCC 10-3 of Exhibit A, which discusses parking.

Approval of the request, with conditions, would allow the change of use from a less intense use to a more intense use with the additional required parking, consistent other area restaurant providers in the Highway District.

Because the proposed change of use to the existing site requires little outside impacts, no design review is necessary with regard to landscaping.

Process and Review: This application request represents a Type III land use application review requiring a quasi-judicial public hearing. The Florence Planning Commission is the review body as set out in the [Florence City Code Title 10 Chapter 6](#). The resolution, findings of fact and application materials are attached to this AIS. Additionally, testimony and at times parts of the application are included as separate attachments and are not included as part of the resolution exhibits. The applicable criteria are listed in the “Applicable Criteria” section of the findings. Only the code sections, comprehensive plan policies and appendices, are the policy considerations that may be applied in the decision-making process. Application materials, public testimony and agency referrals that speak to the criteria may also be considered.

The findings include a review of the application against the applicable criteria. Where project changes were needed or it was found necessary to ensure the code is met, conditions of approval are included.

Testimony: No public testimony comments were received as of the publishing of the Findings of Facts.

ISSUES/DECISION POINTS: None

ALTERNATIVES:

1. Approve the Change of Use with conditions of approval
2. Review and recommend changes to the proposed Change of Use findings and approve as amended,
3. Continue the Public Hearing to a date certain if more information is required, or
4. Do not approve the Change of Use by revising the findings and resolution stating how the application does not meet the criteria.

RECOMMENDATION: Planning Staff—Option 1, Approve with conditions of approval

AIS PREPARED BY:

Roxanne Johnston, Planner

ITEM'S ATTACHED:

Attachment 1 – Resolution PC 22 11 COU 01

“A” Findings of Fact
“B” Parking and Site Plan
“C” Floor Plan
“D” Building Elevations
“E” Land Use Application
“F” RLID Building Use Appraiser Plans

**CITY OF FLORENCE
PLANNING COMMISSION**

RESOLUTION PC 22 11 COU 01

AN APPLICATION FOR A CHANGE OF USE FROM A PRINT SHOP TO A DELICATESSAN AT 1856 37TH STREET REQUIRING MORE THAN FIVE (5) ADDITIONAL PARKING SPACES IN ACCORDANCE WITH FLORENCE CITY CODE FCC 10-1-1-6-3 A. 2 IN THE HIGHWAY DISTRICT.

WHEREAS, application was made by Dan Lofy, of Lofy Construction, on behalf of property owner Linda Wilcox located at property shown on Assessor's Map #18-12-23-22, Tax Lot 01800, for a Change of Use Permit as required by FCC 10-1-1-4, 10-1-1-6-3 and 10-6.; and

WHEREAS, the Planning Commission/Design Review Board met in a duly-advertised public hearing on July 12, 2022 as outlined in Florence City Code 10-1-1-6-3, to consider the application, evidence in the record, and testimony received; and

WHEREAS, the Planning Commission/Design Review Board of the City of Florence, per FCC 10-1-1-4, 10-1-1-6-3 and FCC 10-6, finds, based on the Findings of Fact, application, staff recommendation, evidence and testimony presented to them, that the application meets the applicable criteria through compliance with certain Conditions of Approval.

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 Change of Use from a former print shop to a delicatessen in the Highway District meets the applicable criteria in Florence City Code and the Florence Realization 2020 Comprehensive Plan with the conditions of approval as listed below.

Conditions of Approval:

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" Parking and Site Plan
- "C" Floor Plan
- "D" Building Elevations
- "E" Land Use Application
- "F" RLID Building Use Appraiser Plans

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

2. Regardless of the content of material presented for this Planning Commission, including application text and exhibits, staff reports, testimony and/or discussions, the applicant agrees to comply with all regulations and requirements of the Florence City Code which are current on this date, EXCEPT where variance or deviation from such regulations and requirements has been specifically approved by formal Planning Commission action as documented by the records of this decision and/or the associated Conditions of Approval. The applicant shall submit to the Community Development Department a signed "Agreement of Acceptance" of all conditions of approval prior to issuance of a building permit.

3. Upon encountering any cultural or historic resources during construction, the applicant shall immediately contact the State Historic Preservation Office and the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians. Construction shall cease immediately and shall not continue until permitted by either a SHPO or CTCLUSI representative.

4. Parking Requirements

4.1 To meet the intent of FCC 10-3, prior to final inspection, the applicant shall supply an updated parking plan indicating one of the following: 24 parking spaces provided; or provide a thrift store floor plan illustrating half the floor area is bulk retail sales and an updated parking plan indicating 23 parking spaces. The approved plan shall be implemented prior to issuance of final inspection.

4.2 Required parking spaces shall be maintained and shall not be eliminated, used for the storage of materials of any type, or used for loading or unloading operations during business hours in accordance with FCC 10-3-2 A through F.

4.3 The parking lots shall be striped to meet the standards in 10-3-9 (4" wide striping for parking spaces double-line striped, two feet on center) prior to issuance of the final building inspection.

4.4 Two bicycle spaces shall be required to meet the bicycle to vehicular parking ratio. The spaces shall meet the minimum size, location, design, security, and other requirements listed in FCC 10-3-10.

5. Design Review Requirements

5.1 Unless otherwise specified, Conditions of Approval shall be completed prior to six months from the issuance of the Final Building inspection.

5.2 The approval for Design Review of the proposed delicatessen shall expire on July 12, 2023.

6. District Standards

6.1 In order to further ensure public health and safety, all trash receptacles shall be located inside the deli or in a trash enclosure that is fully screened by a solid fence or wall not less than 5' in height. Trash receptacle areas shall be kept clean. Trash shall not be allowed to blow about the site nor onto neighboring sites, nor shall any trash be stored in a manner to attract rodents.

6.2 The applicant shall provide appropriate vision clearance at both driveway entrances in accordance with FCC 10-35-2-14.

7. Lighting

7.1 Any lighting installed on the exterior of the subject building shall be evaluated by the Planning Department prior to installation and prior to issuance of Certificate of Occupancy or final building permit.

7.2 Within one year of approval July 12, 2023 all lighting on and serving the laundromat building shall come into compliance with 10-37. Existing non-compliant light fixtures shall be replaced or converted to be full-cut off whereby the bulb is shielded and no light is projected at or above the horizontal plane. The applicant shall ensure that lighting fixtures do not project light skyward or onto adjacent or nearby property.

7.3 Main lights shall be extinguished at the end of work hours. A minimum amount of lighting may remain on if needed due to security concerns.

ADOPTED BY THE FLORENCE PLANNING COMMISSION/DESIGN REVIEW BOARD the 12th day of July, 2022.


Sandra Young, Vice Chairperson
Florence Planning Commission


Date

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

Date of Report: July 5, 2022 **Planner:** Roxanne Johnston
Application: PC 22 11 COU 01

I. PROPOSAL DESCRIPTION

Proposal: An application related to the interior remodel and change of use of one half of an existing building from a print shop to a delicatessen

Applicant: Dan Lofy of Lofy Construction

Property Owner: Linda Wilcox

Location: 1856 37th St., south half of building containing 37th Street Coin Laundry & Shower

Site: Map # 18-12-23-22, Tax Lot 01800

Comprehensive Plan Map Designation: Highway

Zone Map Classification: Highway District

Surrounding Land Use / Zoning:

Site: Vacant south half of laundry building / Highway
North: RV and Mobile Home Park / Highway
South: Chen's Restaurant / Highway
East: Retail, Single-family residences / Highway, Single-family residential
West: Thrift store and apartment, light industrial (glass and windows) / Highway

Streets / Classification:

West: U.S. 101 – Major Arterial; North: 37th Street - Local; East: None; South: None

II. NARRATIVE

On May 5, 2022, the applicant submitted materials for an administrative review to convert a former 1,504 square-foot print shop to a deli. The application was deemed complete as of the same day; however, due to an increase in required parking spaces for the proposed use per FCC 10- 1-1-6-3 A. 2., a Type III quasi-judicial process is necessary meaning that approval of this application falls under the responsibility of the Planning Commission.

The intended space for the proposed deli occupies the south half of the building containing a laundromat throughout the north half. The overall building contains a total

square footage of 3,108. Few changes are proposed to the outside of the new business.

The property owner owns three adjoining tax lots. Tax Lot 02000 contains a 2,128 sq. ft. thrift store which occupies an entire ground floor of a two-story building, with a 720 sq. ft. apartment on the upper floor. This building fronts Highway 101 and was built in the 30's and after a partial demolition in 1984 received a building and porch addition in 1986. Tax Lot 01900, located in between the thrift store/apartment building and laundromat building, contains parking spaces and access aisle for the adjoining lots. The third tax lot 01800 contains the laundromat building constructed after completed design review in 1994. The land use hearing materials cited that it and the thrift store building consisted of office space uses requiring a total of 21 parking spaces. The site plan illustrated 20 with room to add more. The uses changed over the years to various retail sales and service business. There is a difference in the parking demand for these uses.

The applicant's parking and site plan, shows nine parking spaces serving the western building thrift store/apartment combo. There are 12 spaces on the plan allotted for the laundromat and deli uses. On street parking is allowed and available on 37th St., but the plan does not indicate these. Due to the mix in uses and required parking spaces, parking for these uses is discussed in these findings.

Although both uses of the building as a print shop business and delicatessen are overall considered retail, they fall under separate retail categories when parking is factored in - a restaurant requires more parking spaces. Parking spaces are based on the use and square footage of the business – for example, the proposed deli requires one parking space per every 125 square feet of building area and the former print shop required one space per 333 square feet, which totaled 4 parking spaces. Similarly, the laundromat requires only 3 spaces as well. Parking will be reviewed later in greater depth within these findings. Eight new spaces are now required with the proposed deli for a total of 12 spaces for that use alone.

III. NOTICES & REFERRALS

Notice: On May 24, 2022 and again on June 29, 2022, notice was mailed to surrounding property owners within 100 feet of the property. The property was posted with signage on May 24, 2022 as a result of noticing for an anticipated Type 2 administrative decision. The property was posted again on June 29, 2022. This application type was changed to a Type III due to the need for additional parking requirements of the proposed use.

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

IV. APPLICABLE REVIEW CRITERIA (Code in place at time of application)

Florence City Code, Title 10:

- Chapter 1: Zoning Administration, Section 1-6-3
- Chapter 3: Off-Street Parking and Loading, Sections 2 through 6 & 10
- Chapter 6: Design Review, Sections 3-B-1-c 5, and Sections 4 & 5
- Chapter 16: Highway District, Sections 2, 4, 5, and 7E
- Chapter 37: Lighting, Sections 2 through 4

V. 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

10-1-1-6-3: TYPE III REVIEWS – QUASI-JUDICIAL LAND USE HEARINGS:

- A. **Hearings are required for Type III (quasi-judicial) land use matters requiring Planning Commission review. Type III applications include, but are not limited to:**

- 2. **Change of use from a less intensive use to a greater intensive use, which does not increase the building's square footage, but requires more than five additional parking spaces.**

The applicant has proposed an intensified change of use which requires more than five additional parking spaces which requires Planning Commission approval as stated in FCC 10-1-1-6-3 A.2. Parking requirements are discussed under FCC 10-3, later in these findings.

B. **Notification of Hearing:**

- 1. **At least twenty (20) days prior to a Type III (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.**
 - a. **Notice shall also be provided to the airport as required by ORS 227.175 and FCC 10-21-2-4 and any governmental agency that is entitled to notice under an intergovernmental agreement with the City or that is potentially affected by the proposal. For proposals located adjacent to a state roadway or where proposals are expected to have an impact on a state transportation facility, notice of the hearing shall be sent to the Oregon Department of Transportation.**

2. Prior to a Type III (quasi-judicial) hearing, notice shall be published one (1) time in a newspaper of general circulation. The newspaper's affidavit of publication of the notice shall be made part of the administrative record.

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.

D. Hearing Procedure: All Type III hearings shall conform to the procedures of Florence City Code Title 2, Chapters 3 and 10.

Notification was mailed to surrounding property owners within 100 feet of the subject property on May 24, 2022 and again on June 28, 2022 and contained information regarding the nature of the application and uses proposed; applicable criteria applying to the issue; an easily understood geographical reference to the subject property; stated the place, date, and time that comments on the proposal were due; and stated that the application and criteria were available for inspection at no cost and would be provided at reasonable cost. Signage

containing copies of the notices was posted on the property May 24, 2022 and again on June 28, 2022.

Media notice was provided via the Siuslaw News on July 6, 2022

As the application was properly noticed, these criteria are met.

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.**
- 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.**
- 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.**
- E. Ingress and egress for parking and loading shall not endanger or impede the flow of traffic.**
- F. The required off-street parking for nonresidential uses shall not be used for loading and unloading operations during regular business hours.**

Required parking spaces shall be maintained and shall not be eliminated, used for the storage of materials of any type, or used for loading or unloading operations during business hours in accordance with FCC 10-3-2 A through F. ([Condition 4.2](#))

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.**
- B. **For non-residential uses where parking is available on-street, this parking shall count towards the minimum number of required parking spaces along all street frontages of the building where parking is available. Only useable spaces (i.e. those not blocking fire hydrants, mailboxes, etc.) shall count towards the minimum required number of parking spaces.**

The applicant has proposed off-street parking within an existing parking lot area which already supports the laundromat, thrift store and apartment. Additional parking is available along 37th St. The applicant has been conditioned to supply an updated parking plan showing that 24 parking spaces are available for the overall site.

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, plus additional spaces(s) as needed to meet the minimum accessible parking requirement.

Table 10-3-1, Minimum Required Parking by Use:

A. Residential and Commercial Dwelling Types:	
Single Family Dwelling Including attached and detached dwellings and manufactured homes	2 spaces per dwelling unit on a single lot
C. Commercial and Retail Trade Types:	
Retail Sales and Service (See also Drive-Up Uses)	<u>Retail:</u> 1 spaces per 333 sq. ft., except bulk retail (e.g., auto, boat, trailers, nurseries, lumber and construction materials, furniture, appliances, and similar sales) 1 per 500 sq. ft.
	<u>Restaurants and Bars:</u> 1 spaces per 125 sq. ft. floor area

The applicant has proposed a parking and site plan. Eleven parking spaces are shown along the west side of the subject (eastern) building. One of these is an ADA van accessible space. Three of these eleven spaces shown are required for the use of the laundromat. According to RLID the laundromat contains approximately 1,696 sq. ft. The parking spaces for the laundromat are calculated using the square feet of the laundromat divided by 500 square feet (bulk retail-appliances category was used for retail service use). Restaurant use requires 1 space for every 125 sq. ft.:

1696 sq. ft. ÷ 500 sq. ft. = 3.392 spaces

1504 sq. ft. ÷ 125 sq. ft. = 12.032 spaces.

As instructed in FCC 10-3-4 A, the fraction left over from the above whole numbers are rounded down. Thus, 12 spaces are required for the proposed deli and 15 for both the laundromat and deli combined.

The property owner also owns a two-story building containing a 2,128 sq. ft. thrift store occupying the ground floor, and a 720 sq. ft. apartment occupying the second floor. This building is located west of the subject building and parking for all uses are anticipated to share parking spaces as shown in the parking and site plan. These current uses require eight parking spaces (six spaces for the retail thrift store and two spaces for the residence).

The parking plan contains 18 parking spaces: 11 spaces (including the required van accessible parking space) along the west side of the eastern building and 9 spaces east of the western thrift store building. Since the thrift store requires 6 parking spaces--assuming no bulk retail, or 5 spaces if half is bulk retail, the apartment requires 2, the laundromat requires 3, and the deli requires 12 parking spaces, total required parking equals 23 or 24 spaces. The parking plan contains 20. On-street parking is allowed; however, this needs to be demonstrated, or a parking agreement established with another property within 500' of the site in accordance with 10-3-7. To meet the intent of FCC 10-3, prior to final inspection, the applicant shall supply an updated parking plan indicating one of the following: 24 parking spaces provided; or provide a thrift store floor plan illustrating half the floor area is bulk retail sales and an updated parking plan indicating 23 parking spaces. The approved plan shall be implemented prior to issuance of final inspection. (Condition 4.1)

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 off-street 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.

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

The parking plan includes one ADA van accessible parking space near the deli entrance and an ADA accessible parking space near the thrift store. The proposed building and accompanying increased parking requirements would not require additional ADA accessible parking spaces. These criteria are met.

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.

No new on-site parking areas are needed for the proposed development. Any off-site parking will be required to meet the standards in 10-3. These criteria are met.

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

These criteria will be addressed below as part of FCC 10-37.

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:

The parking lots shall be striped to meet the standards in 10-3-9 (4" wide striping for parking spaces double-line striped, two feet on center) prior to issuance of the final building inspection. (Condition 4.3)

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.

Two bicycle spaces shall be required to meet the bicycle to vehicular parking ratio. The spaces shall meet the minimum size, location, design, security, and other requirements listed in FCC 10-3-10. (Condition 4.4)

TITLE 10: CHAPTER 6: DESIGN REVIEW

10-6-3: GENERAL APPLICABILITY:

A. Planning Commission/ shall:

- 1. Unless otherwise directed by the underlying zoning district, or subsection (B) below, review the following through a Type III process consistent with FCC 10-1-1-6-3 prior to issuance of a building permit:**
[...]

c. Changes of use from less intensive to greater intensive use not eligible for Type I or Type II review (see FCC 10-1-1-6-1 and 10-1-1-6-2).

This application is specifically being reviewed by the Planning Commission because the change from a less intensive to a greater intensive use requires five additional parking spaces in accordance with FCC 10- 1-1-6-3 A. 2.

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

Existing setbacks, yards, height and percentage of coverage are appropriate for the underlying zoning district. These criteria are met.

- 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.**

No new fencing, walls, hedges, screens, or landscaping are proposed. These criteria are met.

- 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.**

No changes to access and egress points are proposed. Vehicles will continue to have parking access along 37th St. No new modifications are planned in the Transportation Systems Plan nor proposed to this street. These criteria are met.

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

No noise, vibration, smoke, dust, odor, light or electrical interference has been proposed nor will be permitted outside of applicable nuisance codes.

- 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.**

The criteria of FCC 10-3: Off-Street Parking and Loading were reviewed and conditioned earlier within this report.

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

No major changes nor expansion to the outside are planned with this proposed use. In the event some change is anticipated, this code section would apply. Criterion met

- I. Exterior lighting and security.**

Lighting is regulated by FCC 10-37. Any new lighting will be conditioned later to ensure compliance with this code section.

J. 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.

No new public facilities or infrastructure are proposed.

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

Unless otherwise specified, Conditions of Approval shall be completed prior to six months from the issuance of the Final Building inspection. (Condition 5.1)

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

No bonds will be required to ensure 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)

No additional conditions are necessary to implement policies contained within the Florence Comprehensive Plan.

10-6-6-3: BUILDING FAÇADES:

C. Articulation and Detailing: All building elevations that orient to a street or civic space must have breaks in the wall plane (articulation) of not less than one break for every 30 feet of building length or width, as applicable, as follows:

- 1. Plans shall incorporate design features such as varying rooflines, offsets, balconies, projections (e.g., overhangs, porches, or similar features), recessed or covered entrances, window reveals, or similar elements that break up otherwise long, uninterrupted elevations. Such elements shall occur at a minimum interval of 30-40 feet. In addition, each floor shall contain at least two elements meeting the following criteria:**
 - a. Recess (e.g., porch, courtyard, entrance balcony, or similar feature) that has a minimum depth of 4 feet;**
 - b. Extension (e.g., floor area, porch, entrance, balcony, overhang, or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet; and/or**
 - c. Offsets or breaks in roof elevation of 2 feet or greater in height.**
 - d. A “break,” for the purposes of this subsection, is a change in wall plane of not less than 24 inches in depth. Breaks may include, but are not limited to, an offset, recess, window reveal, pilaster, frieze, pediment, cornice, parapet, gable, dormer, eave, coursing, canopy,**

awning, column, building base, balcony, permanent awning or canopy, marquee, or similar architectural feature.

2. The Planning Commission, through Design Review, may approve detailing that does not meet the 24-inch break-in-wall-plan standard where it finds that proposed detailing is more consistent with the architecture of historically significant or historically-contributing buildings existing in the vicinity.
3. Changes in paint color and features that are not designed as permanent architectural elements, such as display cabinets, window boxes, retractable and similar mounted awnings or canopies, and other similar features, do not meet the 24-inch break-in-wall-plane standard.
4. Building elevations that do not orient to a street or civic space need not comply with the 24- inch break-in-wall-plan standard, but should complement the overall building design.

The building to house the proposed use of a delicatessen is existing and does face Highway 101; however, no additional expansion is planned that would trigger these criteria.

10-6-6-4: PERMITTED VISIBLE BUILDING MATERIALS: Building materials which have the same or better performance may be substituted for the materials below provided that they have the same appearance as the listed materials.

- G. Building and Site Material Colors:** Color finishes on all building exteriors shall be approved by the City and be of a muted earth-tone coastal Pacific Northwest palette. Reflective, luminescent, sparkling, and “day-glow” colors and finishes are prohibited. The Planning Commission/Planning Commission or their designee may approve adjustments to the standards as part of a site Design Review approval.

The current color palette of the building complies with these standards. Any deviation from these colors will require a separate review. These criteria are met.

10-6-6-7: OTHER DISTRICTS: ARCHITECTURAL REQUIREMENTS: In districts other than Mainstreet and Old Town, the architectural design requirements of this section shall apply to all commercial buildings.

- A. All commercial buildings shall meet the standards of FCC 10-6-6-3 and 10-6-6-4-G above.**

FCC 10-6-6-3 and 10-6-6-4-G have been addressed.

- B. All commercial buildings shall incorporate not fewer than three types of architectural features from 1 through 6 below. Applicants are encouraged to use those elements that best suit the proposed building style and design.**

1. **Covered front entrance. Not less than six feet in depth and not less than 10 percent the width of the building, excluding the landing for entrance.**
2. **Windows: not less than 30 percent of surface area of all street-facing elevation(s) with the following features:**
 - a. **Trim, reveals, recesses, or similar detailing of not less than four-inches in width or depth as applicable.**
 - b. **The use of decorative detailing and ornamentation around windows (e.g., corbels, medallions, pediments, or similar features).**
3. **Pedestrian Shelters: as described in FCC 10-6-6-G.**
4. **Eaves (where applicable): overhang of not less than 12 inches.**
5. **Decorative top: e.g., cornice or pediment with flat roof or brackets with pitched roof. Towers may be included where building height limitations and surrounding structures deem them appropriate.**
6. **Awnings and canopies: extending not less than 30% of the elevation where applied.**

The two-story structure to the west of the subject building was approved prior to adoption of Design Review or Architectural standards. Its street-facing elevation has two covered entrances, three windows, and decorative stonework skirting the entire width of the elevation. The combination of features results in a reasonably attractive building design that could be approved under current design review code. The existing subject building contains many of the same design elements when compared to the building to the west including the same color scheme, a covered porch entrance, similar windows and door treatments. These criteria are met.

10-6-9: APPEALS: See Code Section 10-1-1-7.

Appeals processes pertaining to this application have been discussed in review of FCC 10-1-1-7 above.

10-6-10: LAPSE OF DESIGN REVIEW APPROVAL: Authorization of a design review permit shall be void one (1) year after the date of approval of a either a Type II or III 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 approval for Design Review of the proposed delicatessen shall expire on July 12, 2023.
(Condition 5.2)

TITLE 10: CHAPTER 16: HIGHWAY DISTRICT

10-16-2: 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, duets and duplex dwellings, public buildings and facilities, medical marijuana dispensaries, marijuana retailers, marijuana testing facilities, and single-family residential PUD's.

The proposed use is a permitted use within the Highway as it is allowed in the Commercial District, which is regulated by FCC 10-15 2. 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 applicant provided a parking plan that has been conditioned to be updated. The proposed restaurant use is consistent with uses found in the same zoning district. There is only one lot that has not been developed which lies between Chen's Family Dish located south of the subject property, and Burger King, located at the NE corner of 35th St. and Highway 101. Both existing businesses are examples of area restaurant uses but differ in intensity of land use. The fast-food aspect of the Burger King store allows for heavier traffic uses (and enjoys the use of 4-way traffic light) than what is proposed with the deli, which indicates that the deli use would be compatible with the area and existing restaurants and not negatively impact these businesses. Both the deli and Burger King use similar code reviews although, again, the latter is much more intense in respect to land use.

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

There is no new building design proposed and the existing building matches the thrift store/apartment structure located west of the proposed use in terms of color palette, windows, roof pitch and materials, doors and the outside porch entryways.

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

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

Although there is no traffic light at the intersection of 37th St. and Highway 101, vehicular, bicycle and pedestrian access can be made from Highway 101, at the driveway south of the intersection (with pedestrian access being more flexible). Since the proposed deli is not a fast-food restaurant, there is no anticipation that traffic will be backed up on either street and interfering with nearby uses.

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

The necessary utility systems and public facilities are already available for the proposed deli. This criterion is met.

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 proposed deli is to be contained in an existing building not exceeding the 35' in height as allowable in FCC 10-16-7 D. K.

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.

The subject lot immediately abuts a residential use to the east. A chain-link fence with opaque slats has been installed between the residence and the laundromat located on the north side of the subject building. FCC 10-34-3-7-D requires a 15' setback from the property line and this appears to be observed, although it is unknown whether the fencing extends the length of the subject building. As no new expansion is proposed, there is no need to require additional fencing to the east. These criteria have been met.

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.

The subject property is accessible from the north off of 37th St. and from the west by Highway 101. The proposed parking plan demonstrates that access and maneuverability are adequate for internal traffic. There are no plans to widen 37th St. and on-street parking is allowed. Curb cuts have already been installed and no new curb cuts appear necessary to allow access from both Highway 101 and 37th St.

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

No noise, vibration, smoke, dust odor, lighting and electrical interference is anticipated with the proposed use.

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

Parking has been reviewed under FCC 10-3 in this report.

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

G. Architectural quality and aesthetic appearance.

As discussed elsewhere in these findings, the existing building is similar in color and aesthetics to the building to the west. The criterion is met.

H. Public health and safety.

In order to further ensure public health and safety, all trash receptacles shall be located inside the deli or in a trash enclosure that is fully screened by a solid fence or wall not less than 5' in height. Trash receptacle areas shall be kept clean. Trash shall not be allowed to blow about the site nor onto neighboring sites, nor shall any trash be stored in a manner to attract rodents. (Condition 6.1)

I. Security.

Review by staff and the Planning Commission ensure that the use complies with applicable governmental guidelines including City and building codes which place public health and safety at the forefront.

J. Lot area, dimensions and percent of coverage.

Each of the three tax lots under ownership of the applicant/owner exceeds these requirements. The subject lot alone measures more than 65' X 140,' containing a lot area of 7,840 square feet.

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

The subject lot already has the needed public facilities and infrastructure in accordance with FCC 10-36.

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.

The subject building is approximately 170 feet from the center line of Highway 101. The 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 subject building appears to provide a five-foot setback from 37th St. There is an approximate 15' setback from the rear, which abuts a residential use. As shown in the site plan, a fence is located on the subject property between the laundromat and the residential lot to the east and has been discussed earlier.

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.**

While the subject property faces Highway 101, it is set back more than 170 feet from the center line of the highway. Additionally, the parking lot lies between the subject building and the highway. Thus, direct vehicular access from the property to the highway would occur south of the thrift store, which has been landscaped and appears to not present a safety hazard. The applicant shall provide appropriate vision clearance in accordance with FCC 10-35-2-14. (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.**

Highway access has been previously installed and these criteria are not applicable as no new access is being proposed.

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

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

The subject lot measures over 65' in depth and over 120 in depth. The criterion is met.

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

The subject lot contains more than 6,000 square feet as it is 0.18 of an acre, or 7,840 sq. ft.

K. Height Limitations: The maximum building or structural height shall be thirty-five feet (35'). [...]

The subject building is one story and does not exceed 35' height. This criterion is met.

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.

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.**

The proposed development is required to meet the criteria of this code. Within one year of approval July 12, 2023 all lighting on and serving the laundromat building shall come into compliance with 10-37. Existing non-compliant light fixtures shall be replaced or converted to be full-cut off whereby the bulb is shielded and no light is projected at or above the horizontal plane. ([Condition 7.2](#))

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 not submitted lighting information to the Planning Department for review.

Any lighting installed on the exterior of the subject building shall be evaluated by the Planning Department prior to installation and prior to issuance of Certificate of Occupancy or final building permit. (Condition 7.1)

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 shall ensure that lighting fixtures do not project light skyward or onto adjacent or nearby property. (Condition 7.2)

Main lights shall be extinguished at the end of work hours. A minimum amount of lighting may remain on if needed due to security concerns. (Condition 7.3)

VI. CONDITIONS OF APPROVAL

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

- 1. Approval shall be shown on:**

- "A" Findings of Fact
- "B" Parking and Site Plan
- "C" Floor Plan
- "D" Building Elevations
- "E" Land Use Application
- "F" RLID Building Use Appraiser Plans

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

- 2. Regardless of the content of material presented for this Planning Commission, including application text and exhibits, staff reports, testimony and/or discussions, the applicant agrees to comply with all regulations and requirements of the Florence City Code which are current on this date, EXCEPT where variance or deviation from such regulations and requirements has been specifically approved by formal Planning Commission action as documented by the records of this decision and/or the associated Conditions of Approval. The applicant shall submit to the Community Development Department a signed "Agreement of Acceptance" of all conditions of approval prior to issuance of a building permit.**

3. Upon encountering any cultural or historic resources during construction, the applicant shall immediately contact the State Historic Preservation Office and the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians. Construction shall cease immediately and shall not continue until permitted by either a SHPO or CTCLUSI representative.

4. Parking Requirements

- 4.1 To meet the intent of FCC 10-3, prior to final inspection, the applicant shall supply an updated parking plan indicating one of the following: 24 parking spaces provided; or provide a thrift store floor plan illustrating half the floor area is bulk retail sales and an updated parking plan indicating 23 parking spaces. The approved plan shall be implemented prior to issuance of final inspection.
- 4.2 Required parking spaces shall be maintained and shall not be eliminated, used for the storage of materials of any type, or used for loading or unloading operations during business hours in accordance with FCC 10-3-2 A through F.
- 4.3 The parking lots shall be striped to meet the standards in 10-3-9 (4" wide striping for parking spaces double-line striped, two feet on center) prior to issuance of the final building inspection.
- 4.4 Two bicycle spaces shall be required to meet the bicycle to vehicular parking ratio. The spaces shall meet the minimum size, location, design, security, and other requirements listed in FCC 10-3-10.

5. Design Review Requirements

- 5.1 Unless otherwise specified, Conditions of Approval shall be completed prior to six months from the issuance of the Final Building inspection.
- 5.2 The approval for Design Review of the proposed delicatessen shall expire on July 12, 2023.

6. District Standards

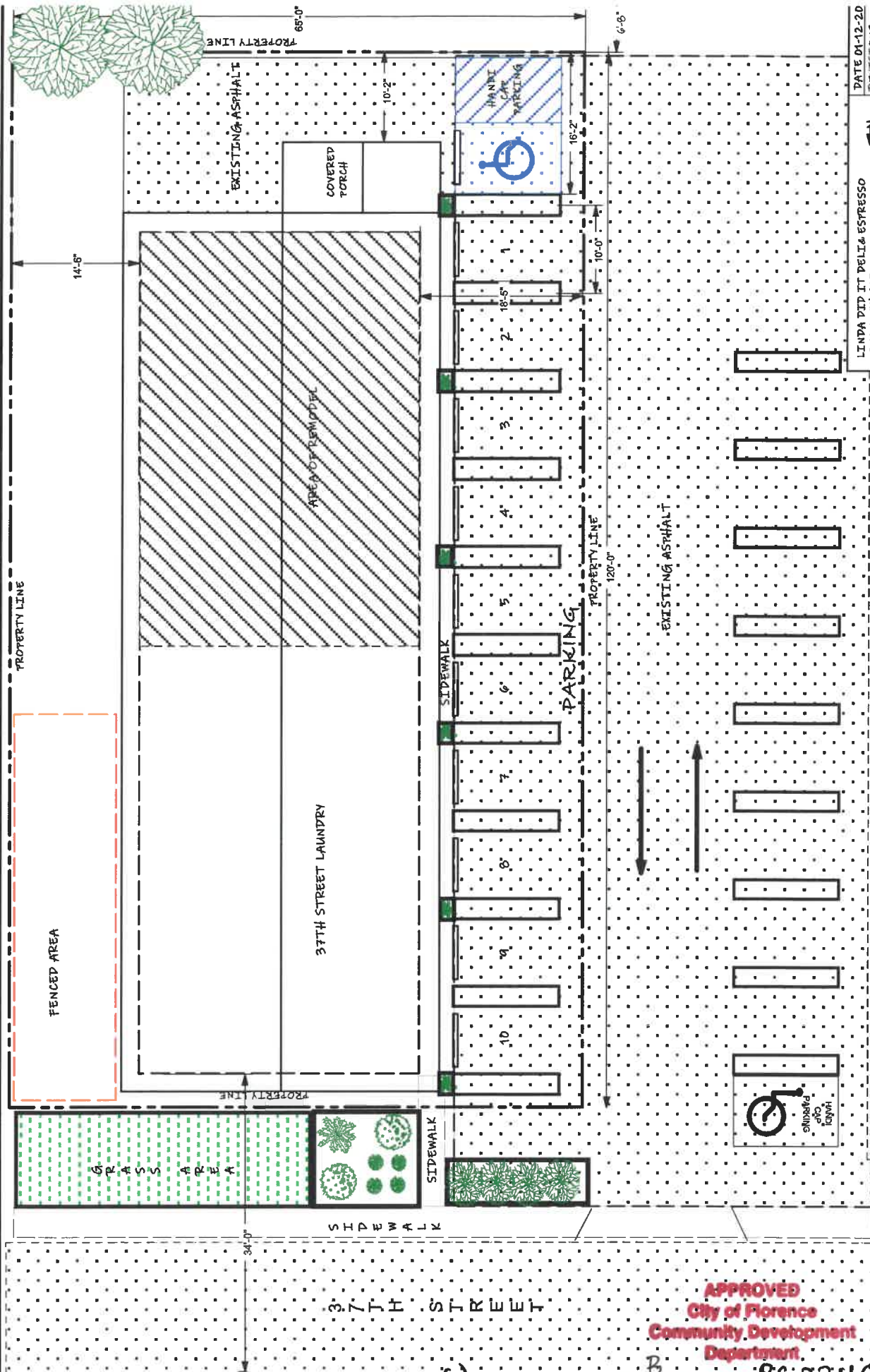
- 6.1 In order to further ensure public health and safety, all trash receptacles shall be located inside the deli or in a trash enclosure that is fully screened by a solid fence or wall not less than 5' in height. Trash receptacle areas shall be kept clean. Trash shall not be allowed to blow about the site nor onto neighboring sites, nor shall any trash be stored in a manner to attract rodents.
- 6.2 The applicant shall provide appropriate vision clearance at both driveway entrances in accordance with FCC 10-35-2-14.

7. Lighting

- 7.1** Any lighting installed on the exterior of the subject building shall be evaluated by the Planning Department prior to installation and prior to issuance of Certificate of Occupancy or final building permit.
- 7.2** Within one year of approval July 12, 2023 all lighting on and serving the laundromat building shall come into compliance with 10-37. Existing non-compliant light fixtures shall be replaced or converted to be full-cut off whereby the bulb is shielded and no light is projected at or above the horizontal plane. The applicant shall ensure that lighting fixtures do not project light skyward or onto adjacent or nearby property.
- 7.3** Main lights shall be extinguished at the end of work hours. A minimum amount of lighting may remain on if needed due to security concerns.

VII. EXHIBITS

"A" Findings of Fact
"B" Parking and Site Plan
"C" Floor Plan
"D" Building Elevations
"E" Land Use Application
"F" RLID Building Use Appraiser Plans



DATE 01-12-20	REVISIONS
LINDA DID IT DELIA ESPRESSO	
1856 37TH STREET UNIT 2	
Florence, Oregon 97439	
LODY CONSTRUCTION AND DESIGNS	SCALE 1"=10'
P.O. BOX 1846 FLORENCE, OREGON 97439	JOB # LDI1856
(541) 590-3641	SHEET PLOT PLAN

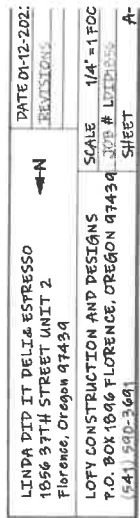
EXHIBIT B

LINDAS THRIFT STORE

APPROVED
City of Florence
Community Development
Department

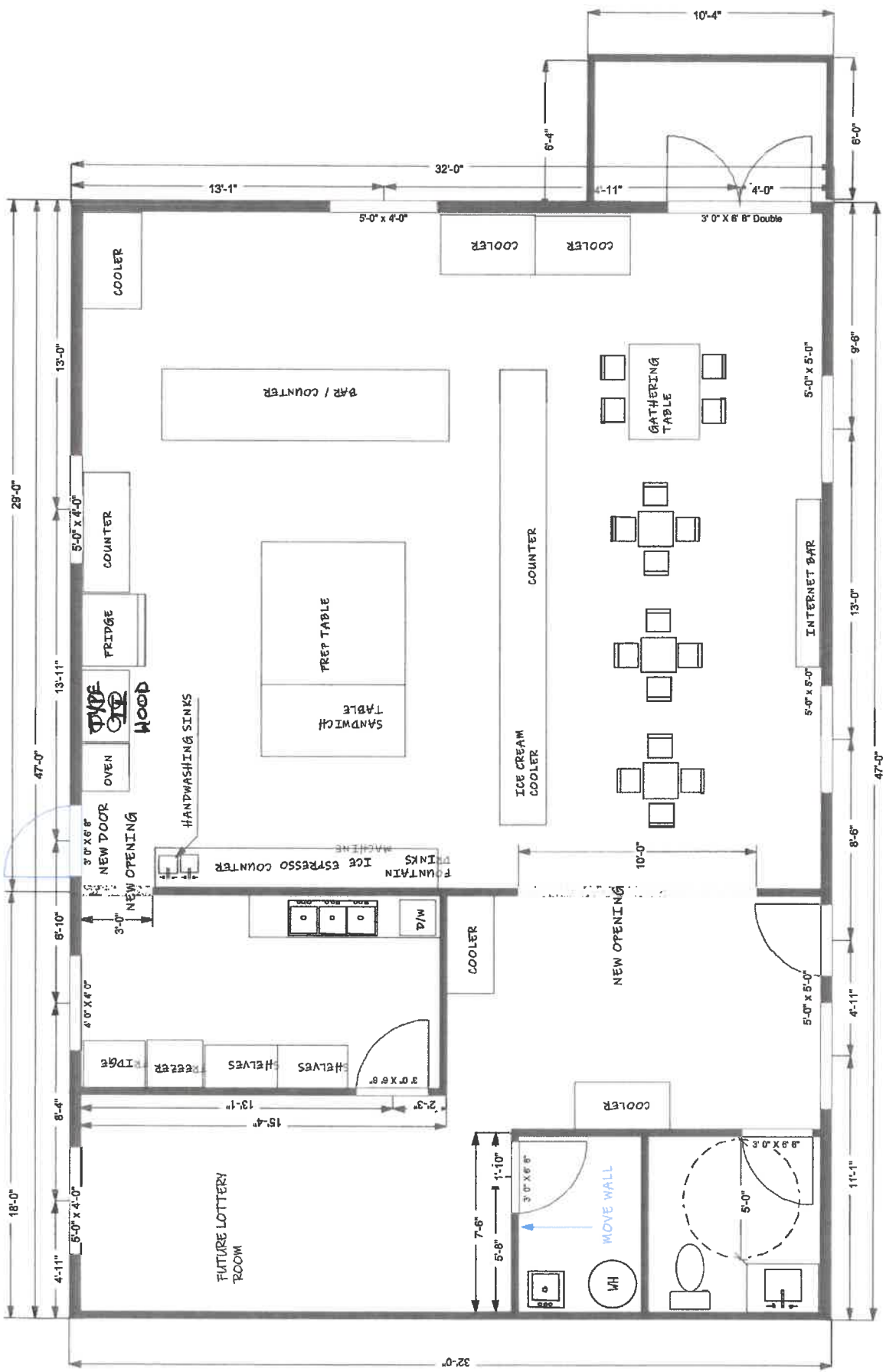
Exhibit B

PC 2211COWO
File Number

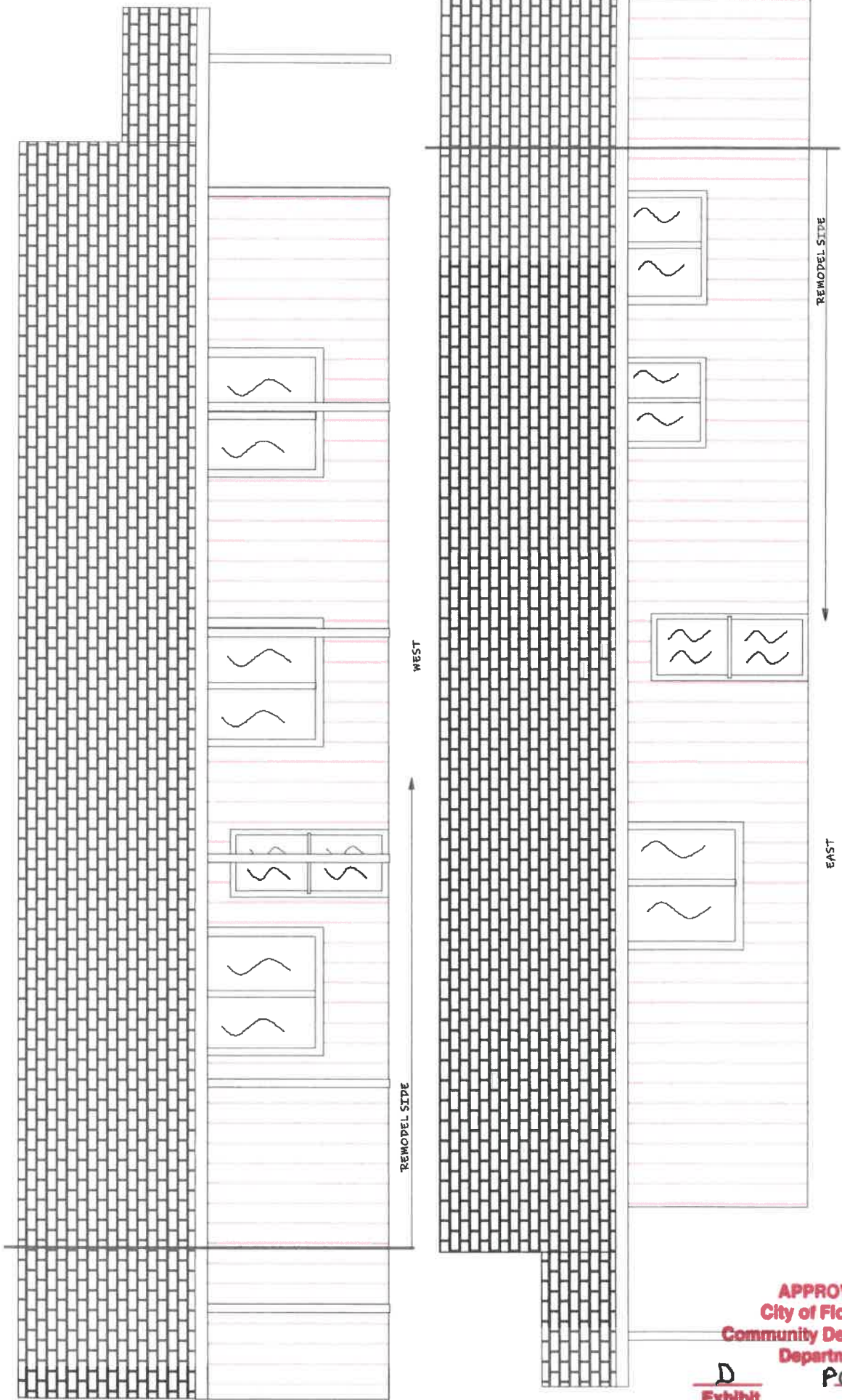


APPROVED
City of Florence
Community Development
Department
C PC 2211
Exhibit File Number

EXHIBIT C



DATE 01-12-202		REVISIONS	
LINDA DIP IT DELI & ESPRESSO		SCALE 1/4" = 1' FOR	
1856 37TH STREET UNIT 2		JOB # LDT1056	
Florence, Oregon 97439		SHEET	
LODY CONSTRUCTION AND DESIGNS		A	
P.O. BOX 1896 FLORENCE, OREGON 97439			
(541) 590-3691			



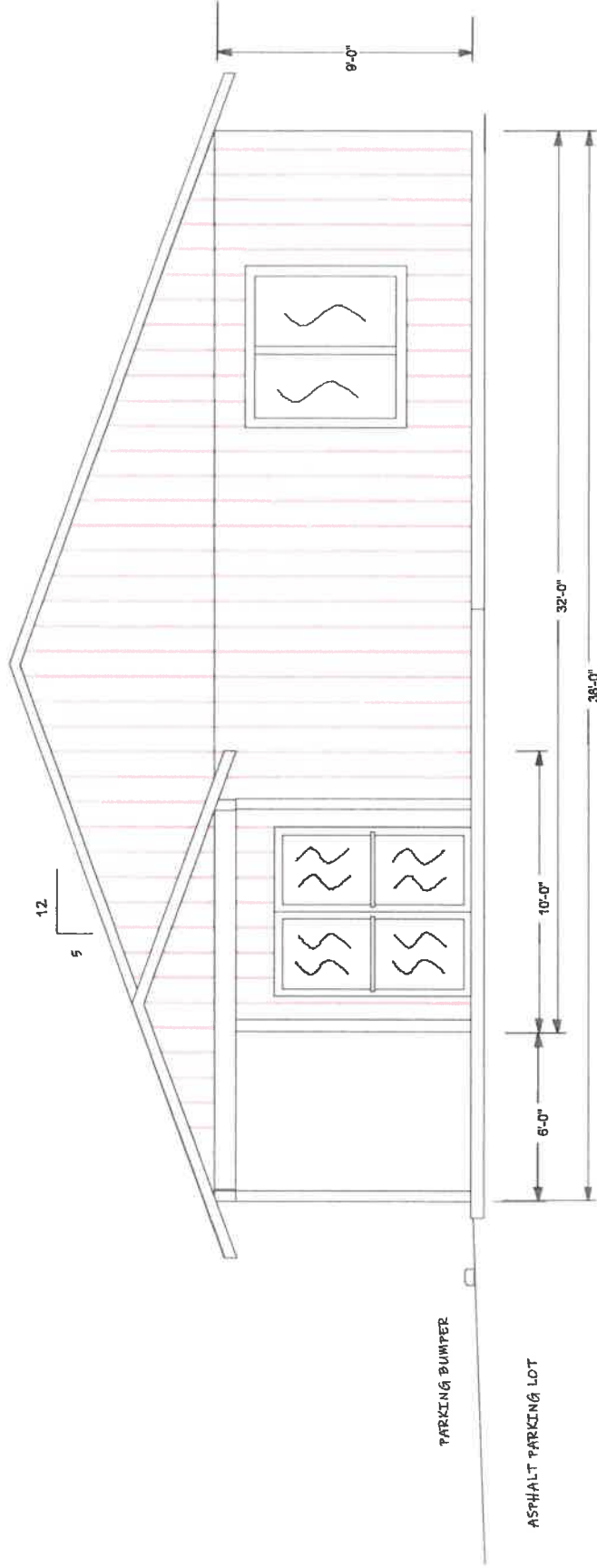
DATE: 01-12-2022	
REVISIONS	
SCALE	1/4" = 1'-00"
TOR #	
SHEET	A 3

LINDAS DELI
Florence, Oregon 97439
LOFY CONSTRUCTION AND DESIGNS
P.O. BOX 1846 FLORENCE, OREGON 97439
(541) 540-3641

A

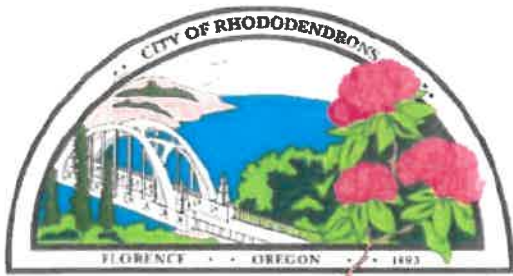
EXHIBIT D

APPROVED
City of Florence
Community Development
Department
D
Exhibit
PC 22 11 COM 01
File Number



SOUTH

LINDA DID IT DELIA ESPRESSO 1856 37TH STREET UNIT 2 Florence, Oregon 97439	DATE 01-12-	N	SCALE 1/4" = 1'
	REVISED		JOB # LDID1856
LOFY CONSTRUCTION AND DESIGNS P.O. BOX 1896 FLORENCE, OREGON 97439 (503) 592-3601			SHEET



APPROVED
City of Florence
Community Development
Department

E
Exhibit

PC 22 11 004 01

File Number

SR 22 15 004 01

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

Type of Request

THIS SECTION FOR OFFICE USE ONLY

☒ Type I ☐ Type II ☐ Type III ☐ Type IV

Proposal: _____

Applicant Information

Name: LOFY CONSTRUCTION LLC

Phone 1: _____

E-mail Address: _____

PH _____

Address: _____

Signature: _____

Date: 4-19-2022

Applicant's Representative (if any): _____

Property Owner Information

Name: Linda Wilcox

Phone 1: _____

E-mail Address: _____

Phone 2: _____

Address: _____

Signature: _____

Date: 4-19-22

Applicant's Representative (if any): Dan Lofy

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

For Office Use Only:

Approved

Exhibit

EXHIBIT E

Property Description

Site Address: 1856 37TH ST

General Description: _____

Assessor's Map No.: 18 - 12 - 23 Tax lot(s): 22-01800

Zoning District: HIGHWAY

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): RESIDENTIAL TO NORTH AND EAST SOUTH
AND WEST AVE RETAIL / RESTAURANTS

Project Description

Square feet of new: 1504 Square feet of existing: 1504

Hours of operation: NOW - 8-5 Existing parking spaces: 6

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

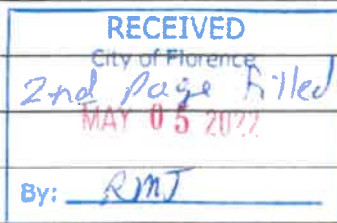
Timetable of proposed improvements: NOW

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

If yes, please describe: _____

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

TENANT IN FILL FOR SANDWICH SHOP



For Office Use Only:

Date Submitted: _____ Fee: _____

Received by: _____

Paid

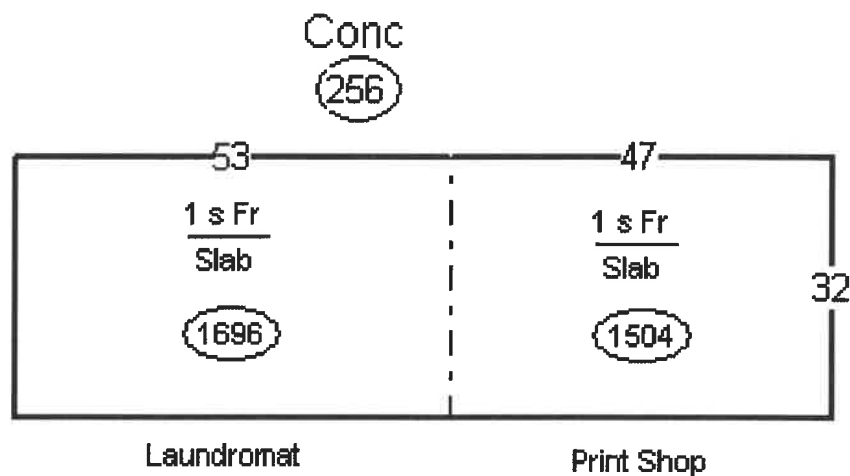
0784494

Laundromat/Print Shop

18-12-23-22-01900

Yr Blt Est. 1991

Total SF 3200

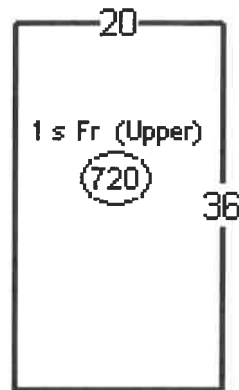


FLORENCE GLASS SERVICE

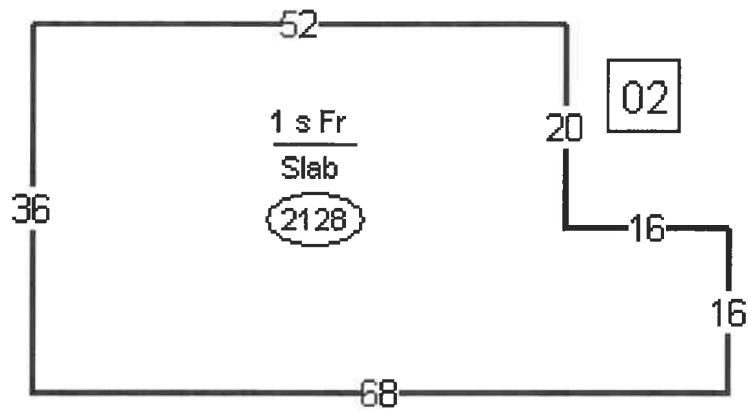
OFFICES + APARTMENT ON RAC

0784502
YR BLT 1938
2128 SQ FT

18-12-23-22-02000



01



02

3670 HWY 101, FLORENCE

**CITY OF FLORENCE
PLANNING COMMISSION**

(Proposed) RESOLUTION PC 22 11 COU 01

AN APPLICATION FOR A CHANGE OF USE FROM A PRINT SHOP TO A DELICATESSAN AT 1856 37TH STREET REQUIRING MORE THAN FIVE (5) ADDITIONAL PARKING SPACES IN ACCORDANCE WITH FLORENCE CITY CODE FCC 10-1-1-6-3 A. 2 IN THE HIGHWAY DISTRICT.

WHEREAS, application was made by Dan Lofy, of Lofy Construction, on behalf of property owner Linda Wilcox located at property shown on Assessor's Map #18-12-23-22, Tax Lot 01800, for a Change of Use Permit as required by FCC 10-1-1-4, 10-1-1-6-3 and 10-6.; and

WHEREAS, the Planning Commission/Design Review Board met in a duly-advertised public hearing on July 12, 2022 as outlined in Florence City Code 10-1-1-6-3, to consider the application, evidence in the record, and testimony received; and

WHEREAS, the Planning Commission/Design Review Board of the City of Florence, per FCC 10-1-1-4, 10-1-1-6-3 and FCC 10-6, finds, based on the Findings of Fact, application, staff recommendation, evidence and testimony presented to them, that the application meets the applicable criteria through compliance with certain Conditions of Approval.

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 Change of Use from a former print shop to a delicatessen in the Highway District meets the applicable criteria in Florence City Code and the Florence Realization 2020 Comprehensive Plan with the conditions of approval as listed below.

Conditions of Approval:

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" Parking and Site Plan
- "C" Floor Plan
- "D" Building Elevations
- "E" Land Use Application
- "F" RLID Building Use Appraiser Plans

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

2. Regardless of the content of material presented for this Planning Commission, including application text and exhibits, staff reports, testimony and/or discussions, the applicant agrees to comply with all regulations and requirements of the Florence City Code which are current on this date, EXCEPT where variance or deviation from such regulations and requirements has been specifically approved by formal Planning Commission action as documented by the records of this decision and/or the associated Conditions of Approval. The applicant shall submit to the Community Development Department a signed "Agreement of Acceptance" of all conditions of approval prior to issuance of a building permit.

3. Upon encountering any cultural or historic resources during construction, the applicant shall immediately contact the State Historic Preservation Office and the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians. Construction shall cease immediately and shall not continue until permitted by either a SHPO or CTCLUSI representative.

4. Parking Requirements

4.1 To meet the intent of FCC 10-3, prior to final inspection, the applicant shall supply an updated parking plan indicating one of the following: 24 parking spaces provided; or provide a thrift store floor plan illustrating half the floor area is bulk retail sales and an updated parking plan indicating 23 parking spaces. The approved plan shall be implemented prior to issuance of final inspection.

4.2 Required parking spaces shall be maintained and shall not be eliminated, used for the storage of materials of any type, or used for loading or unloading operations during business hours in accordance with FCC 10-3-2 A through F.

4.3 The parking lots shall be striped to meet the standards in 10-3-9 (4" wide striping for parking spaces double-line striped, two feet on center) prior to issuance of the final building inspection.

4.4 Two bicycle spaces shall be required to meet the bicycle to vehicular parking ratio. The spaces shall meet the minimum size, location, design, security, and other requirements listed in FCC 10-3-10.

5. Design Review Requirements

5.1 Unless otherwise specified, Conditions of Approval shall be completed prior to six months from the issuance of the Final Building inspection.

5.2 The approval for Design Review of the proposed delicatessen shall expire on July 12, 2023.

6. District Standards

6.1 In order to further ensure public health and safety, all trash receptacles shall be located inside the deli or in a trash enclosure that is fully screened by a solid fence or wall not less than 5' in height. Trash receptacle areas shall be kept clean. Trash shall not be allowed to blow about the site nor onto neighboring sites, nor shall any trash be stored in a manner to attract rodents.

6.2 The applicant shall provide appropriate vision clearance at both driveway entrances in accordance with FCC 10-35-2-14.

7. Lighting

7.1 Any lighting installed on the exterior of the subject building shall be evaluated by the Planning Department prior to installation and prior to issuance of Certificate of Occupancy or final building permit.

7.2 Within one year of approval July 12, 2023 all lighting on and serving the laundromat building shall come into compliance with 10-37. Existing non-compliant light fixtures shall be replaced or converted to be full-cut off whereby the bulb is shielded and no light is projected at or above the horizontal plane. The applicant shall ensure that lighting fixtures do not project light skyward or onto adjacent or nearby property.

7.3 Main lights shall be extinguished at the end of work hours. A minimum amount of lighting may remain on if needed due to security concerns.

ADOPTED BY THE FLORENCE PLANNING COMMISSION/DESIGN REVIEW BOARD the 12th day of July, 2022.

Phil Tarvin, Chairperson
Florence Planning Commission

Date