

**CITY OF FLORENCE
PLANNING COMMISSION**

RESOLUTION PC 23 28 VAR 01

A REQUEST FOR DESIGN REVIEW FOR NEW SINGLE-FAMILY ATTACHED DWELLINGS AS PART OF THE PINE CROSSING SUBDIVISION AND A VARIANCE TO MAXIMUM 12' DRIVEWAY AND GARAGE WIDTH.

WHEREAS, application was made by Pat Hammons, on behalf Coastal Development Partners, LLC, for a Design Review and Variance approval as required by FCC 10-1-1-4, FCC 10-1-1-6-3, and FCC 10-6, and FCC 10-5-3; and

WHEREAS, the Planning Commission met in a duly advertised public hearing on September 26, 2023, 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 of the City of Florence, per FCC 10-1-1-4, FCC 10-1-1-6-3, and FCC 10-6, and 10-5-4, 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 of the City of Florence finds, based on the Findings of Fact and the evidence in record that:

The request for design review of 36 new single-family attached dwellings within the 46-lot Pine Crossing subdivision and variance to maximum 12' width driveway and garage width meet the applicable criteria in Florence City Code 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.

Approval shall be shown on conditions of approval as supported by the following record:

"A"	Findings of Fact - Proposed
"B"	Written Statement
"C"	Site Plan L3.0
"D"	Color Exhibit – Driveways
"E"	Architectural Plans
"F"	Subdivision Matrix
"G"	Color Renderings
"H"	Variance Written Statement
"I"	Public Comments

Findings of Fact attached as Exhibit “A” are incorporated by reference and adopted in support of this decision.

1. 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, 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.

Design

- 1.1. Prior to issuance of building permits, applicant shall submit proof of a recorded maintenance easement from the owners of contiguous properties providing for reasonable ingress, egress and the use of such properties for the purpose of maintaining, repairing and replacing the premises. The easement shall be in a form approved by the City Attorney.

Landscaping

- 2.1. Prior to issuance of building permits, applicant shall submit revised architectural plans showing buffer/screen, located on the common side lot line in the driveway of the dwellings, a maximum height of 4-feet in accordance FCC 10-34-3-7-A.

Access and Circulation

- 3.1. Prior to issuance of building permits, applicant shall receive approval for driveway approaches from the Public Works Director as required in FCC 10-35-2-12-A.

Lighting

- 4.1. Prior to issuance of building permits, applicant shall submit for review and approval by Planning Director, or their designee, a lighting plan that includes and addresses the requirements of FCC 10-37-4.

Informational

- 1. Vision clearance areas shall remain in place in perpetuity. No obstructions, including fences, trees, shrubbery, shall obstruct the area between 2 ½ feet and eight feet in height in vision clearance areas in accordance with FCC 10-35-2-14.
- 2. Vertical clearance areas shall remain in place in perpetuity. Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13' 6" for their entire length and width.

ADOPTED BY THE FLORENCE PLANNING COMMISSION/DESIGN REVIEW BOARD the 26th day of September 2023.

Sandra Young, Chairperson
Florence Planning Commission

DATE

Proposed

AGENDA ITEM SUMMARY / STAFF REPORT**ITEM NO: 4****FLORENCE PLANNING COMMISSION**Meeting Date: *September 26, 2023*

ITEM TITLE: *RESOLUTION PC 23 28 VAR 01– Pine Crossing Single-Family Attached Dwellings Development*

OVERVIEW:

Application: The applicant requests Design Review of 36 single-family attached dwellings concurrent with a variance request to increase driveway and garage width beyond the 12-foot permitted width. Development is part of the Pine Crossing Subdivision and is located on the east side of Spruce Street, north of 52nd Street, in the north part of Florence. The development is comprised of one tax lot (Map 18-12-14-20, tax lot 00203) and is approximately 7.61-acres in size.

Process and Review: This permit is a Type III land use application 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 findings of fact and application materials are attached to this AIS. The applicable criteria are listed in the “Applicable Criteria” section of the findings. Only code sections and may be applied in the decision-making process. Normally, design review for new construction of residential dwellings would be a Type II review. However, since the design review includes a request for a variance, the review has been elevated to a Type III review by the Florence Planning Commission. Further, the Planning Director has found that the application requires a higher level of discretion that exceeds the Director’s authority. Therefore, the Planning Director has determined that the appropriate level of review for the design review and variance is Type III.

Discussion: Staff would like to highlight two aspects of the findings for the Commission’s attention.

The first is the proposed height of the buffer/screen on the common side lot line of the attached dwellings. The buffer/screen height is proposed to be 9-feet on the front of the buildings extending out from between the shared garages. Behind the garages the buffer/screen then reduces to 6 ft. tall and extends to the rear of the lots Chapter 34 of the FCC addresses buffers and screening in front yards and in parking and maneuvering areas. Buffer and screening located in front yards and in parking and maneuvering areas is limited to a maximum height of 4-feet. If the applicant disagrees with the height reduction, they may seek a variance or appeal. If the buffer/screen is structurally integral to the garage, the applicant should make that argument in front of the Planning Commission.

The second is the garage and driveway width, of which is the basis of the applicant’s variance request. The driveway width is tapered at the street. The driveway is 16-feet at the street and then tapers up to 18-feet near the garage entrance. The maximum allowed width for driveways and garages for single-family attached dwellings is 12-feet. The applicant contends the attached dwelling housing standards were written and designed for much smaller and narrower lots than is being proposed. Typically, single-family attached dwellings take access from the rear. That is not the case with the proposed development. The public and pedestrian realm will be in the front of dwellings. Even with a slightly larger driveway and garage width, the average lot frontage devoted to parking and maneuvering areas is 33% and still permits for ample front yard landscaping and space for pedestrians and on-street parking, where permitted.

The reasoning for wider driveway boils down to Planning Commission’s review and interpretation of FCC 10-3-8-A-1. This code section states, “*the number of required covered parking spaces shall be based on the predominant number of covered spaces on the majority of lots within 100-foot radius.*” This language *may* be interpreted to mean that since the existing dwellings in the subdivision located immediately south of Pine Crossing all contain two-car garages, that is the predominant type of garage within a 100-foot radius and therefore should be permitted in Pine Crossing.

The Planning Commission is welcome to form their own interpretation on the matter. If Planning Commission rejects staff’s interpretation, denial or modification to the applicant’s plan with respect to garage width may be warranted. Refer to **Exhibit D** for color rendering of driveway and garage plan.

Testimony/Agency Referrals: One public testimony was received. No Referral comments were received for the Design Review and Variance. Refer to **Exhibit I** for public comment.

ISSUES/DECISION POINTS: Applicant’s request for a variance to permit 20-foot garage width and driveway variable driveway width of 16-18-feet.

ALTERNATIVES:

1. Approve the design review and variance with conditions of approval and findings of fact as written;
2. Review and recommend changes to the design review and variance 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 request, revising the findings and drafting a resolution stating how the application does not meet the criteria.

RECOMMENDATION: Planning Staff: Option 1; Approve the design review with conditions of approval.

AI5 PREPARED BY: Henry Oliver Hearley, Associate Planner, Lane Council of Governments

ITEMS ATTACHED: **Attachment 1**

- Proposed/draft Resolution PC 23 28 VAR 01
- “A” Findings of Fact
- “B” Written Statement
- “C” Site Plan L3.0
- “D” Color Exhibits – Driveways

-
- “E” Architectural Plans
 - “F” Subdivision Matrix
 - “G” Color Renderings
 - “H” Variance Written Statement
 - “I” Public Comments
-

**FINDINGS OF FACT (Proposed)
FLORENCE PLANNING COMMISSION
Exhibit "A"**

Public Hearing Dates: September 26, 2023
Associate Planner: Henry Hearley, Lane Council of Governments
Date of Report: September 19, 2023
Application: PC 23 28 VAR 01 – Pine Crossing Design Review for Single-Family Attached Dwellings with Variance to maximum 12' driveway and garage width.

Related Applications: Pending tentative subdivision plat application. Application number to be determined.

I. PROPOSAL DESCRIPTION

Proposal: An application submitted by Pat Hammons of Coastal Development Partners, LLC for Design Review of 36 single-family attached dwellings concurrent with a variance request to increase driveway and garage width beyond the 12-foot permitted width. Development is part of the Pine Ridge Subdivision and is located on the east side of Spruce Street, north of 52nd Street, in the north part of Florence. The development is comprised of one tax lot (Map 18-12-14-20, tax lot 00203) and is approximately 7.61-acres in size.

Applicant/Owners: Pat Hammons, Coastal Development Partners, LLC

Location: East side of Spruce Street, north of 52nd Street, in the north part of Florence. Map 18-12-14-20, tax lot 00203

Comprehensive Plan Map Designation: Medium Density (MD)

Zone Map Classification: Medium Density Residential (MDR)

Surrounding Land Use / Zoning:

Site: Vacant / Medium Density
North: Vacant
South: Residential
East: Vacant
West: Commercial

Streets / Classification:

East – None; West – Spruce / Collector; South – 52nd / Local; North – None

II. NARRATIVE

The applicant has applied for design review for new construction of 36 single-family attached dwellings within the 46-lot Pine Crossing subdivision. Additionally, the applicant is seeking a variance to FCC 10-3-8 to permit a driveway and garage width in excess of 12-feet. The single-family attached dwellings will share a 9' tall screen wall separating the first several feet of the driveway (nearest the garage). Staff discuss the height and classification of the screen wall in the driveway later on in these findings. The dwellings will also share a common garage wall for about 20-feet. See Figures 1 and 2 below for a depiction of the screen wall and common garage wall.



Figure 1. Dwellings are proposed to have a 9' tall screen wall in the driveway nearest the garage.

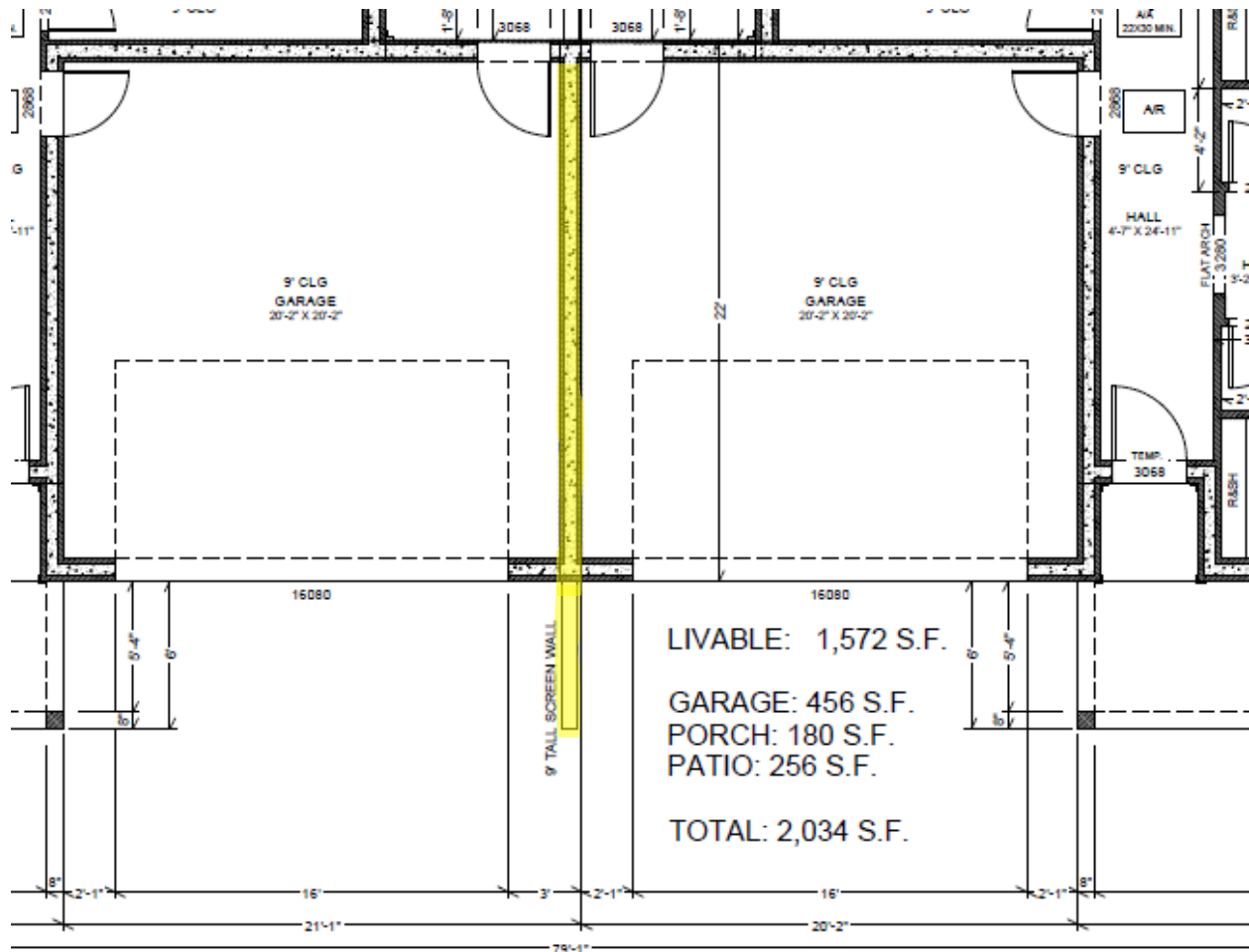


Figure 2. Dwellings will share a common garage wall (highlighted).

Each dwelling will have a two-car covered garage that measures approximately 20'X20'. Each dwelling will have a driveway that is capable of holding two vehicles. The dwellings, that are a part of the Pine Crossing subdivision will take access from 53rd Street, which will be constructed as part of the subdivision approval and construction process. 53rd Street will be a local street with 28 ft. wide street section, parking on one side within a 60' of public right-of-way and be a similar design to 52nd Street located immediately south.

III. NOTICES & REFERRALS

Notice: On September 6th and 11th, notice was mailed to surrounding property owners within 300 feet of the property. The property was posted September 6, 2023. Notice was then published in the Siuslaw News on September 15, 2023.

Public testimony: One public comment was submitted encouraging, to the maximum extent possible, that existing trees in and near an existing 7-foot easement be preserved. See **Exhibit I** for comment.

Referrals: Referrals were sent for this application on September 12, 2023 to Public Works, Siuslaw Valley Fire and Rescue, Central Lincoln PUD, ODOT, and Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians (CTCLUSI)

IV. APPLICABLE REVIEW CRITERIA

Florence City Code:

Title 10: Zoning Regulations

- Chapter 1: Zoning Administration, Sections 1-4, 1-5, & 1-6-3
- Chapter 3: Off Street Parking and Loading Section 8-A-3
- Chapter 5: Zoning Variances, Sections 3-B, 4-A, 4-C, 5-B, 6, & 7
- Chapter 6: Design Review, Sections 3, and 5-2
- Chapter 10: Residential Districts, Sections 2,4,5 and 7
- Chapter 35: Access and Circulation, Sections 2 through 4
- Chapter 37: Lighting

Title 9: Utilities

- Chapter 5: Stormwater Management, Section 2-4-B

V. FINDINGS

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

FLORENCE CITY CODE

TITLE 10: CHAPTER 1: ZONING ADMINISTRATION

10-1-1-4: APPLICATION:

- A. Applications and Petitions required by Title 10 and 11 of this Code shall be on forms prescribed by the City and include the information requested on the application form.**
- B. Applicability of Review Procedures: All land use and development permit applications, petitions, and approvals shall be decided by using the procedures contained in this chapter. The procedure type assigned to each application governs the decision making process for that permit or approval. There are four types of approval procedures as described in subsections 1-4 below. Table 10-1-1 lists some**

of the City's land use and development approvals and corresponding review procedures. Others are listed within their corresponding procedure sections.

[...]

3. **Type III (Quasi-Judicial) Procedure (Public Hearing).** Quasi-Judicial decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council; or in the case of a Quasi-Judicial zone change (e.g., a change in zoning on one property to comply with the Comprehensive Plan), a Quasi-Judicial decision is made by the City Council on recommendation of the Planning Commission. Quasi-Judicial decisions involve discretion but implement established policy.

Normally, design review for new construction of residential dwellings would be a Type II review. However, since the design review includes a request for a variance, the review has been elevated to a Type III review by the Florence Planning Commission. Further, the Planning Director has found that the application requires a higher level of discretion that exceeds the Director's authority. Therefore, the Planning Director has determined that the appropriate level of review for the design review and variance is Type III.

C. Except when this Code provides to the contrary, an application or petition regulated by Titles 10 and 11 of this Code:

1. **Shall be reviewed by the Planning Director within thirty (30) days to determine if the application is complete, including required drawings, plans, forms, and statements.**
2. **Shall identify the public facilities and access which may be needed to support the development, including but not limited to utilities and transportation infrastructure, and how they will be financed.**
3. **Shall identify off-site conditions including property lines, utility locations and sizes, existing and future streets, land uses, significant grade changes and natural features such as streams, wetlands and sand dunes for an area not less than three hundred (300) feet from the proposed application site that is one (1) acre or larger and within 100 feet from the proposed application site that is less than one (1) acre in size. (Amd. By Ord. No. 4, Series 2011)**
4. **Shall be accompanied by a digital copy or two hard copies of required plans of dimensions measuring 11 inches by 17 inches or less. Costs of document reduction may be passed onto the applicant.**
5. **Shall be filed with a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making. Additional information may be required under the specific application requirements for each approval.**
6. **Shall be accompanied by any other information deemed necessary by the City Planning Department.**

7. **Shall be accompanied by the required, non-refundable fee.**

All application requirements were met in accordance with this section. This criterion is met.

- D. **Evidence Submittal: Except when this Code expressly provides different time limitations, all documents and evidence relied upon by the applicant shall be submitted at least thirty (30) days prior to the hearing as provided in Subsection 10-1-1-6. (Amd. by Ord. No. 30 Series 1990)**

[...]

- F. **Initiation of applications:**

1. **Applications for approval under this Chapter may be initiated by:**
 - a. **Order of City Council**
 - b. **Resolution of the Planning Commission**
 - c. **The City Planning Official or designee**
 - d. **A record owner of property (person(s) whose name is on the most recently recorded deed), or contract purchaser with written permission from the record owner.**
2. **Any person authorized to submit an application for approval may be represented by an agent authorized in writing to make the application on their behalf.**

All evidence submitted by the applicant and relied on by the City in support of a decision have been submitted at least 30-days prior to the hearing. Furthermore, all evidence has been duly submitted into the record and has been made publicly available for review, upon request and in accordance with Oregon law.

The application has been duly submitted by an authorized person on behalf of the property owner. Criterion met.

10-1-1-5: GENERAL PROVISIONS

- A. **120-Day Rule: The City shall take final action on Type I, II, and III permit applications that are subject to this Chapter, including resolution of all appeals, within 120 days from the date the application is deemed as complete, unless the applicant requests an extension in writing. Any exceptions to this rule shall conform to the provisions of ORS 227.178. (The 120-day rule does not apply to Type IV legislative decisions – plan and code amendments – without an applicant under ORS 227.178.)**
 1. **The City shall take final action on housing applications meeting the criteria of ORS 197.311 within 100 days.**

[...]

- C. Check for acceptance and completeness. In reviewing an application for completeness, the following procedure shall be used:**
- 1. Acceptance. When an application is received by the City, the City Planning Official or designee shall immediately determine whether the following essential items are present. If the following items are not present, the application shall not be accepted and shall be immediately returned to the applicant.**
 - a. The required forms.**
 - b. The required, non-refundable fee.**
 - c. The signature of the applicant on the required form and signed written authorization of the property owner of record if the applicant is not the owner.**
 - 2. Completeness.**
 - a. Review and notification. After the application is accepted, the City Planning Official or designee shall review the application for completeness. If the application is incomplete, the City Planning Official or designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant 180 days from the date that the application was submitted to submit the missing information. Applications which have been deemed incomplete and for which the applicant has not submitted required information or formally refused to submit additional information shall be deemed void on the 181st day after original submittal.**
 - b. Application deemed complete for review. In accordance with the application submittal requirements of this Chapter, the application shall be deemed complete upon the receipt by the City Planning Official or designee of all required information. The applicant shall have the option of withdrawing the application, or refusing to submit information requested by the City Planning Official or designee in section 10- 1-1-5-C-2-a, above.**
 - c. Standards and criteria that apply to the application. Approval or denial of the application shall be based upon the standards and criteria that were applicable at the time it was first accepted.**
 - d. Coordinated review. The City shall also submit the application for review and comment to the City Engineer, road authority, and other applicable County, State, and federal review agencies.**

The application was deemed complete for processing August 22, 2023. This review process is being completed within the 120-day timeline in accordance with this code section. These criteria are met.

D. City Planning Official's Duties. The City Planning Official (Director) or designee shall:

- 1. Prepare application forms based on the criteria and standards in applicable state law, the City's comprehensive plan, and implementing ordinance provisions.**
- 2. Accept all development applications that comply with the requirements of this Chapter.**
- 3. Prepare a staff report that summarizes the application(s) and applicable decision criteria, and provides findings of conformance and/or non-conformance with the criteria. The staff report and findings may also provide a recommended decision of: approval, denial; or approval with specific conditions that ensure conformance with the approval criteria.**
- 4. Prepare a notice of the proposal decision:**
 - a. In the case of an application subject to a Type I or II review process, the City Planning Official or designee shall make the staff report and all case-file materials available at the time that the notice of decision is issued.**
 - b. In the case of an application subject to a hearing (Type III or IV process), the City Planning Official or designee shall make the staff report available to the public at least seven (7) days prior to the scheduled hearing date, and make the case-file materials available when notice of the hearing is mailed, as provided by Sections 10-1-1-6-1 (Type I), 10-1-1-6-2 (Type II), 10-1-1-6-3 (Type III), or 10-1-1-6-4 (Type IV).**
- 5. Administer the hearings process.**
- 6. File notice of the final decision in the City's records and mail a copy of the notice of the final decision to the applicant; all persons who provided comments or testimony; persons who requested copies of the notice; and any other persons entitled to notice by law.**
- 7. Maintain and preserve the file for each application for the time period required by law. The file shall include, as applicable, a list of persons required to be given notice and a copy of the notice given; the affidavits of notice; the application and all supporting information; the staff report; the final decision including the findings, conclusions and condition, if any; all correspondence; minutes of any meeting at which the application was considered; and any other exhibit, information, or documentation that was considered by the decision-maker(s) on the application.**

8. Administer the appeals and review process.

This review process is being completed in compliance with this code section. These criteria are met.

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:**

[...}

5. New construction requiring Design Review by the Planning Commission.

[...]

8. Variances.

The application is being processed as Type III because the Planning Director determined the application requires more discretion than permitted in a Type II design review for construction of new single-family attached dwellings and because the design review is accompanied by a variance request.

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 September 6th and 11th, 2023, 20 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 September 6, 2023. These notices contained all required information. These criteria are met.

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 criterion 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 criterion 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.**

This code criteria are being met through this review process. These criteria are met.

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

A Planning Commission public hearing has been noticed for September 26, 2023, to consider the application. The public hearing will conform to the procedures of FCC 2-10. These criteria are met.

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.**
- 3. **In the case of a rezoning request, it shall additionally be shown that a public need exists; and that the need will be best served by changing the zoning of the parcel of land in question.**
- 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.

At the public hearing, the Planning Commission will receive all evidence deemed relevant to the issue and hear from staff, public, and the applicant. The Planning Commission may make a decision on the matter at the first public hearing, but if not, the Planning Commission may continue the hearing to date and time certain. In any event, the Planning Commission will decide on the matter and the City will take final action on the application within the allotted 120-days, consistent with state law.

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.

Following a decision by the Planning Commission, staff will duly prepare the official Notice of Decision for mailing to the applicant and any parties of record. These criteria will be met.

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

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.

A. Parking for new single family attached and detached dwellings, duets and duplexes shall be provided as follows:

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

Staff present FCC 10-3-A-1 for Planning Commission's interpretation regarding the proposed width of the garages that each single-family attached dwelling will contain. Most of the dwellings within 100-feet of the property boundary contain two-car garages (of which are in excess of 12-foot wide). Seeing as how the predominant garages within 100-foot radius of the subject property garages in excess of 12-feet have, staff offer an interpretation that the applicant's proposed garage width of ~20-feet is acceptable because that's the predominant type of covered garage within 100-feet of the site (see Figure 3 below). The Planning Commission is welcome to form their own interpretation on the matter. If Planning Commission rejects staff's interpretation, denial or modification to the applicant's plan with respect to garage width may be

warranted. Staff note if the radius were calculated from the northern side of 53rd Street, the subdivision to the south would be outside the bounds of the 100-foot radius.



Figure 3. 100-foot radius shown from edge of subject property. 100-foot radius captures existing subdivision to the south.

[...]

3. Off-street parking for single-family attached dwellings on the front of the building and driveway accesses in front of a dwelling are permitted in compliance with the following standards:

a. Outdoor on-site parking and maneuvering areas shall not exceed twelve feet (12') wide on any lot.

As seen on Figure 4, the proposed outdoor on-site parking and maneuvering area exceeds 12-feet. The applicant is proposing an outdoor on-site parking and maneuvering area that is 18-feet, at its widest point nearest the garage entrance, and tapers to 16-feet near the street. The proposed off-site parking and maneuvering area accounts for an average of 33% of the lot frontage. See Figure 4 below.

Because the applicant does not meet the code requirement of FCC 10-3-8-A, a variance is necessary to permit the applicant's proposed off-site and maneuvering area and garage width. The variance request will be discussed as part of these findings.

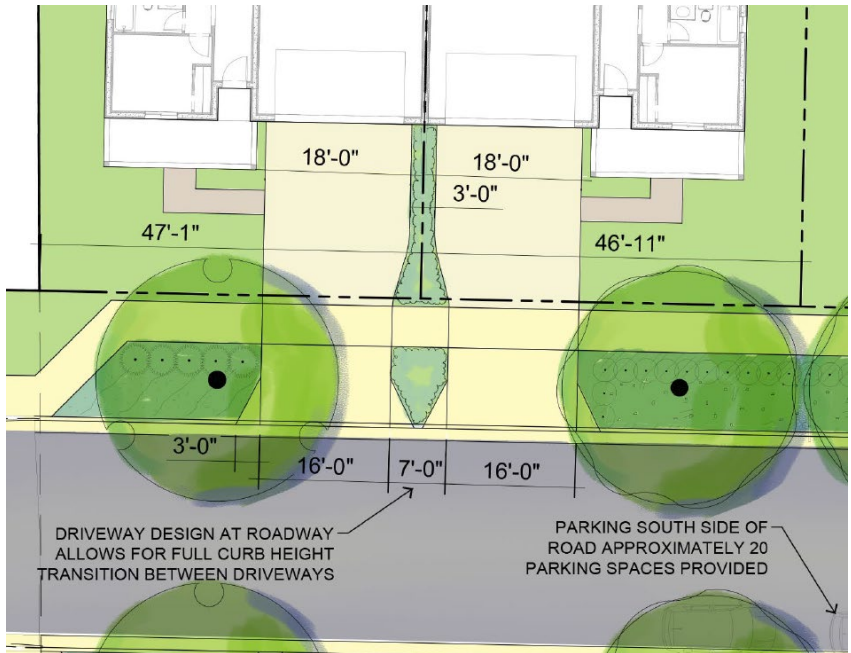


Figure 4. Driveway exceeds 12'. Applicant proposing variable width driveway between 16-18'.

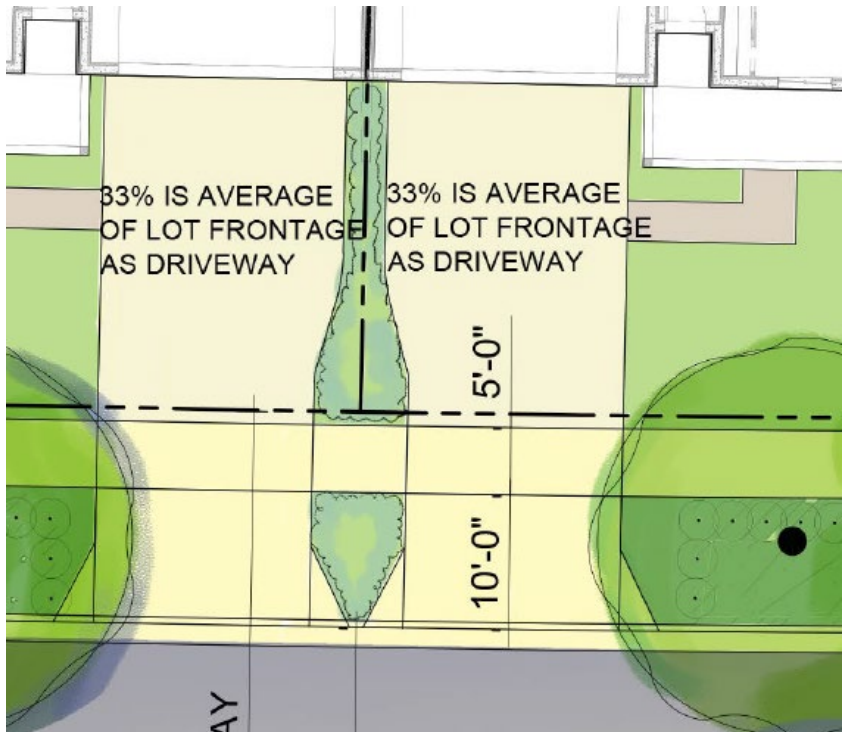


Figure 5. Driveway accounts for an average of 33% of the lot frontage.

The applicant offers a reasonable explanation of the proposed garage off-street parking and maneuvering areas and how they meet the spirit and intent of FCC 10-3-8.

Typically, single-family attached units are allowed on much smaller lots, because it's assumed the dwellings to locate on the smaller lots would be more along the lines of rowhouses or townhouses. These types of dwelling units fit nicely on narrow lots and ensure that the frontage of the rowhouses or townhomes are not dominated by impervious surfaces in the form of concrete. Further, these types of dwelling units, in most cases, require off-street parking and maneuvering areas to be located to the rear of the dwelling units.

In the applicant's case, the single-family attached dwelling units are attached via a common garage wall, but look and feel more akin to the traditional single-family detached dwelling, so the code requirement for off-street parking and maneuvering areas to be limited to a maximum of 12-feet wide simply does not fit.

The applicant's proposed off-street parking and maneuvering areas does meet the spirit and intent of FCC 10-3-8 in that the average of lot frontage devoted to off-street parking and maneuvering areas is about 33% and still allows for ample landscaping of the frontage and off-street parking and maneuvering areas, while achieving the medium density residential use the City anticipated locating and developing in this area.

A discussion of the proposed off-street parking and maneuvering area and the variance criteria will be discussed later in these findings.

b. The garage width shall not exceed twelve feet (12'). Garage width shall be measured based on the foremost four feet of the interior garage walls.

As seen in Figure 6, the applicant's proposed garage width exceeds 12'.

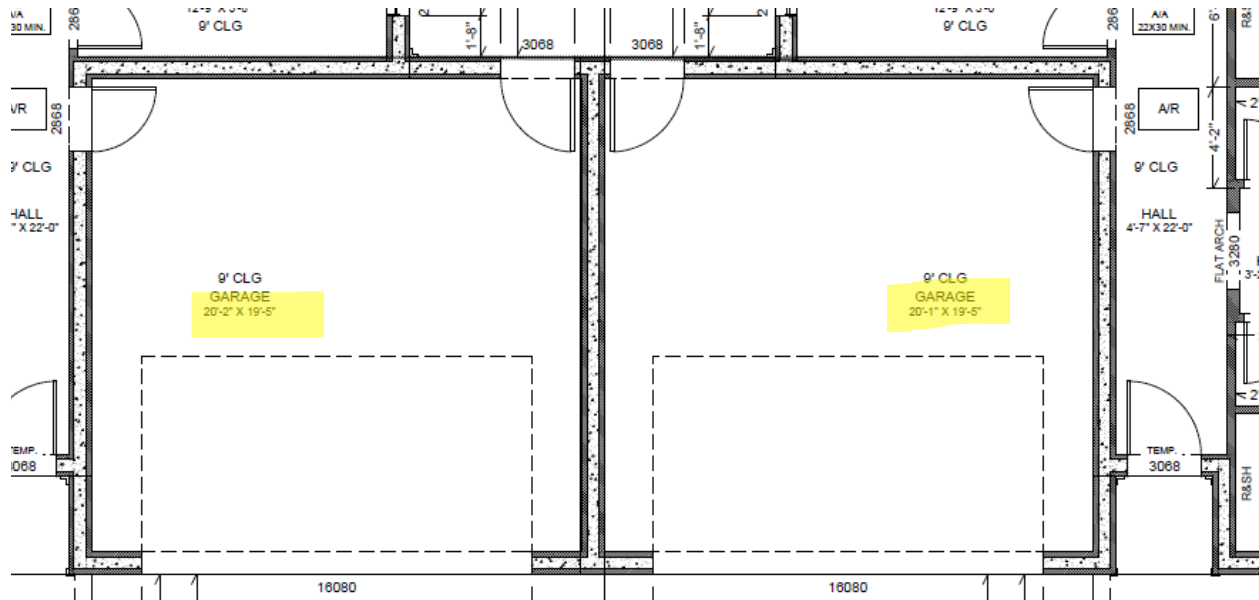


Figure 6. Proposed garage widths exceed 12'.

The applicant has not addressed the deviation in garage width from the code requirements nor are they requesting a variance. City staff offer have offered an interpretation of FCC 10-3-A-1 as to how a garage width in excess of 12-feet may be permissible. See interpretation on Page 12-13 of these findings. Planning Commission is being asked to validate this interpretation. Additionally, at the time of this hearing edits to this criterion increasing the allowable number of covered spaces have been heard by the City Council at the recommendation of the Planning Commission. Code changes take effect within 30 days of approval.

TITLE 10: CHAPTER 5: ZONING VARIANCES

10-5-3: APPLICATION

[...]

B. The application for variance shall be made in writing to the Planning Commission by the owner(s) of the land in consideration or their agent(s), duly authorized in writing.

The applicant has duly submitted an application for variance. Criterion met.

10-5-4 APPROVAL CRITERIA

General: An application for an adjustment or variance must describe in detail:

1. The practical difficulties and physical hardships involved.

There is no physical “hardship” but the “practical difficulties” present include lot frontage, on-street parking, public safety, and design. The form of single-family attached dwellings the applicant is proposing are not the traditional single-family attached dwellings that most codes were written for. The applicant’s style of single-family attached dwelling design is in between a traditional townhome and a traditional single-family detached dwelling. The codes that exist for single-family attached (townhomes) assumed this type of dwelling would locate on very narrow lots – 25 or 35 feet wide, and access would be from the rear of the townhome. That is not the case with the present proposal.

The type of single-family attached dwelling proposed has access in the front (creating a pedestrian realm) and on larger lots with a garage width that is proportional to the driveway width. Even with the larger width of the driveway and garage, these two items only account for 33% of the frontage, which allows for adequate landscaping, entryways and pedestrian interactions in the front yard. Staff offer an interpretation of how the wider garages could be permitted by virtue of Planning Commission’s interpretation of FCC 10-3-8-A-3-b on Pages 11-14 of these findings.

See the applicant’s written variance statement included in these findings as **Exhibit H**.

2. Existing conditions on the site.

The site is a vacant lot. The neighboring subdivision to the south consists of typical single-family detached units with two car garages. The applicant proposes to match the design of that subdivision, with respect to two-car garages and driveway widths.

3. Reasons for the proposed adjustment or variance being the most practicable solution to the problem.

The applicant contends that approval of the variance would allow a housing type that is in demand in many cities -not just Florence. The applicant’s proposed solution fits with the neighborhood and established housing and will create much needed housing units and preserve on-street parking. Staff don’t disagree with the applicant’s contention. Many development codes cannot envision all types or styles of dwelling units that a developer or architect can come up with. The applicant’s solution and variance request are reasonable and perhaps most importantly, fits in with the existing character of the neighborhood.

4. A sight plan, drawn to scale, showing the dimensions and arrangement of the proposed development in comparison to the existing standard(s).

Appropriate plans have been submitted showing the necessary information.

5. Any other pertinent information requested by the Planning Director or Planning Commission.

The applicant has addressed the variance criteria and submitted the necessary information for staff review. The Planning Commission must review the requested variance and render a decision. The Planning Commission may determine more information is required before rendering a decision.

C. Variances: The Planning Commission may grant a variance to a regulation prescribed by this Title and may attach such conditions to the granting of all or a portion of any variance as necessary to achieve the purpose of this chapter if, on the basis of the petition, investigation and evidence submitted, the Planning Commission finds:

1. Strict or literal interpretation and enforcement of the specified regulations would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this Title.

The Planning Commission may grant the requested variance if the specified regulation, in this case the garage and driveway width, results in practical difficulty.

2. One of the following:

Additionally, the Planning Commission may grant a variance if one of the below are found to be true in the context of the requested variance.

a. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties classified in the same zoning district, or

Staff are uncertain if the circumstances rise to exceptional or extraordinary but the condition affecting the properties are their overall size in relation to the type of single-family attached dwelling proposed.

As stated earlier, most codes envision single-family attached dwellings to take the form of townhouses or rowhouses which are typically on much narrower lots. That is not the case with the types of dwellings proposed. The lots are slightly larger, on their own singular lots, and are attached only via a common garage wall with pedestrian interactions and parking taking place in the front of the home rather than to the rear, as is customary with narrower townhouses or rowhouses.

b. The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.

The 12-foot maximum width for a garage and driveway restriction is not a function of the zoning district but rather a function of the proposed use – single-family attached dwellings. Therefore, granting a variance to permit a wider garage and driveway would not be a special privilege that other properties in the same zoning district do not have the benefit of receiving.

3. The granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

Planning Commission may grant a variance if it's found to not be detrimental to public health, safety, welfare or materially injurious to properties or improvements in the vicinity. Staff do not see a reason why the requested variance would be detrimental to public health because a similar garage and driveway situation is occurring immediately south of the property and is functioning appropriately.

4. The Variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.

The special physical circumstances related to the subject site might be the lot size itself. The lots are larger than normally would be for traditional townhouse or rowhouses. The different style of single-family attached that is being proposed fits better on slightly larger lots, which is what the applicant is proposing. The applicant has also proposed to taper the driveway width from the 18 ft. garage door opening to a 16 ft. street curb cut. The maximum driveway width is 24 ft. for a single unit dwelling.

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:

a. New construction,

b. Alterations to the exterior of non-residential structures or additions involving twenty-five percent (25%) or more of the floor area of a building; and

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).

While the proposal is for the construction of new single-family attached dwellings, that fact alone does not warrant Type III Design Review by the Planning Commission. The application is being processed as a Type III Design Review because of the Planning Director's discretion to elevate the application to a Type III review by the Planning Commission because the application involves a greater level of discretion required and is accompanied with a variance request. FCC 10-1-1-5 also directs that when an applicant applies for more than one type of land use or development permit that the proceedings are to be consolidated for review and decision. This decision accomplishes this through the Type 3 discretionary decision variance hearing.

2. Determine whether the proposed development is appropriate to the character of the neighborhood, according to the general criteria listed in Sections 10-6-5-1 and, when applicable, 10-6-6 or 10-6-7;

Staff find it reasonable for the Planning Commission to conclude that the proposed development is appropriate to the character of the neighborhood because the property is zoned for Medium-Density Residential (MDR) uses and those are the residential uses being proposed (single-family attached dwellings on 36 of the 46 lots involved in Pine Crossing subdivision).

3. Have authority to require changes in the planned appearances of proposed buildings, structures, and alterations in accordance with Section 10-6-1; and,

Should the Planning Commission find it necessary, they may require the applicant to make changes in the planned appearances of the proposed buildings, structures, and alterations in accordance with Section 10-6-1.

4. The Planning Commission or their designee shall review any proposed external alteration, demolition, or change of use for any building shown on the historic resources map of the Comprehensive Plan. The Commission may delay action on such a permit for a period of ninety (90) days to explore with the owner options for rehabilitation and preservation of the structure.

The subject property does not contain any structures, historic or otherwise. Criterion not applicable.

10-6-5-2: GENERAL STANDARDS FOR RESIDENTIAL DEVELOPMENT: Residential projects and mixed-use buildings with a residential component shall meet the following standards. The Planning Director shall approve or approve with conditions the proposed development based on compliance with the following standards:

A. Setbacks, yards, height, density, lot area, dimensions, percentage of coverage, and similar design features according to the underlying zoning district.

Design Review will include a review of setback requirements in the MDR zone and other design characteristics of the proposed single-family attached dwellings. A further review and discussion of compliance with these standards will be included in these findings during a review of Title 10: Chapter 10: Residential Districts.

B. Design standards set forth in FCC 10-10 for the proposed residential type, if applicable, except buildings with residential uses in the Old Town or Main Street Districts shall meet Downtown Architectural Design Standards of 10-6-6 subsections: 3-C, 4 and 5 as implemented by the Comprehensive Plan, Multi-family dwellings and mixed-use buildings with a residential component located in any zone other than Old Town or Mainstreet Districts shall comply with the Multi-Family Dwelling Standards in FCC 10-10-9.

Staff does not generally conduct a detailed review of the specific design elements of single-family attached dwellings. A general design review will be conducted as part of staff's review of Chapter 10: Residential Districts, which is specific to attached dwelling types.

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.

All fences are less than six feet in height, but for the wall or fence on the common side property line that is 9-feet in height. Chapter 34 addresses the standards related to fences and the permitted heights, especially in the front yard. FCC 10-34-3-7-A relates to buffering and screening in parking and maneuvering areas adjacent to streets and drives. This section is applicable because the buffering is located within and adjacent to the driveways. FCC 10-34-7-A states that buffering and screening in a parking and maneuvering area shall be limited to a maximum of 4-feet in height. As such, the applicant shall revise the architectural plans to show the buffer or screen located on the common side lot line to be a maximum of 4-feet in height. If the applicant disagrees with this condition, they can seek a height variance or appeal the

condition. If the buffer/screen is structurally integral to the garage, the applicant should make that argument in front of the Planning Commission.

Fences will be constructed of wood or another permissible material as listed in FCC 10-34-5-F. Criterion conditionally 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.

Access and Circulation will be included in these findings and discussed under Title 10: Chapter 35: Access and Circulation.

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

Parking is discussed earlier in these findings under Title 10: Chapter 3: Off Street Parking and Loading.

F. Exterior lighting according to the standards set forth in FCC 10-37 Lighting.

Lighting is discussed later in these findings under Title 10 Chapter 37: Lighting.

G. Provision of public facilities and infrastructure according to standards set forth in FCC 10-36 Public Facilities, or issuance of a performance bond or suitable substitute as agreed upon by the City has been filed with the City in an amount sufficient to assure the completion of all required public facilities and infrastructure.

The majority of public facilities and infrastructure will be addressed in the subdivision staff report/findings for the Pine Crossing subdivision, of which is an associated application with this Design Review and Variance. Staff will briefly address Title 9: Utilities in these findings.

TITLE 10: CHAPTER 10: RESIDENTIAL DISTRICTS

10-10-2: RESIDENTIAL USES

As seen in Figure 7 below, single-family attached dwellings are permitted uses, subject to Site Plan Review in the Medium-Density Residential Zone. Criterion met.

A. Table 10-10-2-A. The following table indicates which uses are permitted in each residential zone.

Uses	LDR	MDR	RMH	HDR
Single-family detached dwelling	P	P	P	C
Accessory structure	P	P	P	P
Accessory dwelling unit	P	P	P	P
Single-family attached dwelling	N	SR	SR	P
Duplex/duet	N	P	P	P
Tri-plex	N	C	C	P
Quad-plex	N	C	C	P
Multi-family (5+ units)	N	N	N	SR
Cluster housing	N	C	C	P
Temporary dwelling/RV – Medical hardship	C	C	C	C
Manufactured home	P	P	P	C
Manufactured home park/subdivision	N	C	SR	SR
Mobile home park	N	N	SR	SR
Residential Care Facility/Nursing Home	SR	SR	SR	SR
Boarding house/dormitory	N	C	C	SR
Transitional housing	N	N	N	N
Religious institution housing or parsonage	C	C	C	C
Planned Unit Development	D	D	D	D

P=Permitted with Type I review, SR=Type II site review required, C=Type III conditional use review required and N=Not permitted, D=Type III Planning Commission Review

Figure 7. Single-family attached dwellings are subject to site plan review in the Medium-Density Residential zone.

10-10-4: LOT AND YARD PROVISIONS:

Lot minimums will be reviewed under the Pine Crossing subdivision application but the lots involved with the single-family attached dwellings all meet minimum lot dimensions.

- A. Minimum Lot Dimensions: To be designated a building site, a lot must meet the following minimum lot dimensions:

Table 10-10-4-A. Minimum Lot Dimensions by Development Type¹

Type	LDR		MDR		RMH		HDR	
	Width	Depth	Width	Depth	Width	Depth	Width	Depth
All development types including single-family detached ² , except:	50 ft.	80 ft.	50 ft.	80 ft.	50 ft.	80 ft.	50 ft.	80 ft.
Single-family attached dwelling or duet (single unit)	N/A	N/A	25 ft.	80 ft.	25 ft.	80 ft.	25 ft. ³	80 ft. ³
Manufactured Home Park	N/A	N/A	50 ft.	80 ft.	35 ft.	70 ft.	35 ft.	70 ft.

¹ Undersized lots of record with dimensions below the minimum may still be eligible for development. See Section 10-10-12.² Cluster housing shall meet minimum lot sizes in FCC 10-10-8-C-2-b.³ The single-family attached dwelling dimensions shall also apply to single-family detached dwellings in the HDR zone.

- B. Minimum Lot Area: To be designated a building site, a lot must meet the following minimum lot area:

Table 10-10-4-B. Minimum Lot Area by Development Type.¹

Development Type	LDR	MDR	RMH	HDR
Single-family detached dwelling	7,500 sq. ft.	5,000 sq. ft.	5,000 sq. ft.	2,000 sq. ft.
Single-family attached dwelling	N/A	3,000 sq. ft.	3,000 sq. ft.	2,000 sq. ft.
Duplex or Duet (both units)	N/A	5,000 sq. ft.	5,000 sq. ft.	4,000 sq. ft.
Tri-plex	N/A	7,500 sq. ft.	7,500 sq. ft.	5,000 sq. ft.
Four-plex	N/A	10,000 sq. ft.	10,000 sq. ft.	5,000 sq. ft.
All other development types ²	7,500 sq. ft.	5,000 sq. ft.	5,000 sq. ft.	5,000 sq. ft.

¹ Undersized lots of record with area below the minimum may still be eligible for development. See Section 10-10-12 of this Title.² Cluster housing shall meet minimum lot sizes in FCC 10-10-8-C-2-a.

Figure 8. Lot minimums will be reviewed as part of the tentative subdivision plat application for Pine Crossing. These findings address Design Review criteria and Variance criteria associated with the single-family attached dwellings.

C. Lot Coverage: The maximum coverage shall not exceed the following:

	LDR	MDR	RMH	HDR
Maximum building coverage	50%	50%	50%	75%
Maximum coverage by all impervious surfaces	75%	75%	75%	85%

Figure 9. Lot coverage standards are met.

As indicated in the applicant prepared Subdivision Matrix, the proposed maximum building coverage for all dwellings are under 50%. Refer to **Exhibit F** for Subdivision Matrix. Criterion met.

D. Yard Regulations: Unless an adjustment or variance is granted in accordance with Chapter 5 of this Title, minimum setbacks and yard regulations shall be as indicated below:

Table 10-10-4-D. Minimum setbacks and yard regulations.

	LDR	MDR	RMH	HDR
Front				
Primary	10 ft.	10 ft.	10 ft.	5 ft. ¹
Garage or Carport vehicular entrance wall	20 ft.	20 ft.	20 ft.	20 ft.
Side				
Primary ²	10 ft.	5 ft.	5 ft.	5 ft. ¹
Accessory Building	5 ft.	5 ft.	5 ft.	5 ft.
Accessory Dwelling Unit	10 ft.	5 ft.	5 ft.	5 ft.
Parking Lot, Garage or Carport	10 ft.	5 ft.	5 ft.	5 ft.
Garage or Carport vehicular entrance wall	20 ft.	20 ft.	20 ft.	20 ft.
Rear¹				
Primary	10 ft.	5 ft.	5 ft.	5 ft. ¹
Accessory Building	5 ft.	5 ft.	5 ft.	5 ft.
Accessory Dwelling Unit	10 ft.	5 ft.	5 ft.	5 ft.
Parking Lot, Garage or Carport	10 ft.	10 ft.	10 ft.	10 ft.
Garage or Carport vehicular entrance wall	20 ft.	20 ft.	20 ft.	20 ft.
¹ Single-family detached and duplex dwellings in the HDR District shall have the same front, side and rear yard regulations as the MDR District. ² Minimum side setbacks may be reduced to zero feet (0') for attached primary structures where they share a common wall with a structure on an adjacent lot. ³ For a corner lot or parcel which adjoins the point of intersections of two streets as defined in "Lot Type Corner" both lot or parcel lines are the front line. The sum of these setbacks shall not fall below the sum of the minimum front and side yard requirements for primary building and no setback shall be below the minimum primary side yard requirement for the district.				

Figure 10. Applicant meets setback standards of the MDR zone.

As indicated in the applicant prepared Subdivision Matrix, the single-family attached dwellings comply with the setback standards of FCC 10-10-4-D. Criterion met.

E. Residential Density Standards: Unless a variance is granted in accordance with Chapter 5 of this Title, minimum and maximum density standards shall be as listed below:

	LDR ²	MDR ³	RMH ³	HDR
Minimum net density (units/acre)	-	-	-	12
Maximum average net density (units/acre)	-	12	12	25 ¹
¹ Maximum average net density may be increased in the High Density Residential District through a PUD. See FCC 10-23. ² Maximum Density is calculated using minimum lot size for use(s) proposed. ³ Existing undeveloped (infill) lots use lot sizes in Table 10-10-4-B. Subdivisions, partitions, lot line consolidations, and replats use 12 units per acre for MDR and RMH.				

Figure 11. The proposed development is below the maximum allowed density in the MDR zone.

The maximum net density for the MDR zone is 12 units per acre. As shown on Sheet L 3.0, the applicant has provided the maximum allowed number of units for each of four phases of development. Phase four consists of single-family detached dwellings and one community lot.

Taking the total net density with the number of proposed units equates to a density less than the 12 unit per acre maximum. Criterion met.

10-10-5: SITE DEVELOPMENT PROVISIONS:

A. Building or Structural Height Limitations:

- 1. Primary Structures: The maximum building or structural height shall be thirty-five feet (35'), excepting High Density District which shall permit forty feet (40'), limited to three (3) stories.**
- 2. Accessory Structures: The maximum building height shall be twenty feet (20').**
- 3. Accessory Dwelling Units: The maximum building height shall be twenty-eight feet (28').**
- 4. Nonresidential Structures: The maximum building height shall not exceed thirty feet (30').**
- 5. Structures in the HDR, LDR, MDR and RMH shall have a minimum roof pitch of 3/12, except mobile homes in the mobile/manufactured home parks or district.**

The proposed single-family attached dwellings are 16-18' tall and one-story. Criterion met.

B. Fences: See Code Section 10-34-5 of this Title

The attached single-family units meet or exceed the requirements of FCC 10-34-5
 Fences proposed on the side and rear yards at six feet in height or less. The common garage wall in the driveway is 9-feet in height and exceeds the maximum height allowed in a front yard. Per FCC 10-34-3-7-A, buffering or screening in a parking and maneuvering area is limited to a maximum of 4-feet in height. The applicant shall submit revised architectural plans showing the buffer/screen on the common side lot line a maximum of 4-feet in height. This has been added as a condition of approval. Criterion conditionally met.

C. Vision Clearance: Refer to Section 10-2-13 and 10-35-2-14 of this Title for definition, and requirements.

Vision clearance requirements will be reviewed as part of the tentative subdivision plat with the stormwater plan review.

D. Off-Street Parking: Refer to Chapter 3 of this Title (Off-Street Parking and Loading)

Off-street parking standards have been discussed in these findings under the appropriate Chapter.

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

Signs are not proposed. Criterion not applicable.

F. Landscaping: Except for single-family and duplex dwellings, refer to Section 10-34 of this Title for requirements.

Landscaping does not apply to single-family dwellings. Criterion not applicable.

G. Access and Circulation: Refer to Section 10-35 of this Title for requirements.

Access and Circulation will be discussed in Title 10: Chapter 35.

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

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

To the extent that public facilities and lighting are applicable to Design Review for single-family attached dwellings, they will be addressed under the appropriate Chapters.

10-10-7: ATTACHED HOUSING:

[...]

C. Approval Criteria.

1. Construction Criteria:

a. Maintenance easement: No building permit shall be issued for an attached development unless the applicant provides a copy of a recorded easement from the owner(s) of contiguous properties providing for reasonable ingress, egress, and use of such properties for the purpose of maintaining, repairing and replacing the premises. The easement shall be in a form approved by the City Attorney.

b. Number of attached units allowed: No more than 4 consecutive units that share a common wall or walls, roof, or foundation are permitted. A set of 4 attached units is allowed to be adjacent to a separate set of 4 attached units.

The single-family attached units are connected at the garages. Each unit will be on its own lot and as such will not require an access easement. However, there will inevitably be instances in which access to the neighboring property will be necessary to conduct maintenance or routine inspections. As such, a maintenance easement shall be recorded from the owners of contiguous properties providing for reasonable ingress, egress and the use of such properties for the purpose of maintaining, repairing and replacing the premises. This shall be a condition of approval and shall be completed prior to issuance of building permits. The easement shall be in a form approved by the City Attorney.

2. Dimensional Standards: In addition to the standards listed in 10-10-4, attached housing must meet the following:

a. Interior side setback: Any exterior wall or portion thereof which faces but is not contiguous to an interior side lot line shall be setback a minimum of five feet. This standard shall also apply to accessory structures.

As stated in the applicant's written narrative and shown on the Subdivision Matrix, all units have an interior side yard setback of at least 5-feet. Criterion met.

3. Open Space: Developments of four (4) or more units shall provide and maintain open space for the use of all occupants. Open space shall have the following characteristics:

a. Not less than ten feet (10') in width or depth at any point.

b. Located on land with grade less than five percent (5%) slope.

c. Cleared sufficiently of trees, brush and obstructions so that intended recreational use proposed is possible.

d. Not used for temporary or regular parking of automobiles or other vehicles.

e. Includes at least one hundred (100) square feet of area for each dwelling unit. (Ord. 625, 6-30-80).

f. Includes one or more of the following: indoor or outdoor recreation area, protection of sensitive lands (e.g., trees or bank vegetation preserved), play fields, outdoor playgrounds, outdoor sports courts, swimming pools, walking fitness courses, pedestrian amenities, or similar open space amenities for residents.

g. Open space may be provided as private open space for single-family attached dwellings.

There are 44 lots proposed, 36 attached units and 8 single-family lots. This Design Review is limited to the single-family attached units. The applicant proposes two open space community area – one natural open space (primarily wetland) and the other community area with amenities. With a total of 44 lots in the Pine Crossing subdivision, the required minimum amount of open space would be 4,400 square feet. The applicant is proposing a total of 7,315 square feet of open space. The community space that is designed for amenities will include such features as sports court, playground, and benches for residents. Therefore, these criteria are met.

4. Architectural Details

a. Approved exterior building wall materials:

i. Lap siding, board and batten siding, shingles and shakes. Metal siding shall not be permitted

The applicant is proposing a variety of siding, depending on the particular size of the unit. Stone veneer wainscoting is also an option for all units. The applicant's architectural plans show a variety of select siding options and colors from a portion of the approved manufacture color list. Criterion met.

b. Single-family attached and duet dwellings shall include an area of transition between the public realm of the right-of-way and the entry to the private dwelling with one of the following options:

i. A covered porch or patio of at least sixty square feet with a minimum depth of five feet (5') between the main entrance and the street.

ii. Uncovered stairs that lead to the front door or front porch of the dwelling. The stairs shall rise at least three feet (3'), and not more than six feet (6'), from grade.

Both the three-bedroom and the four-bedroom models have an entryway porch that is larger than 60 square feet (approximately 114 square feet). The depth is proposed at 6 feet deep, therefore meeting the minimum requirements. Criterion met.

5. Off-Street Parking: Attached Housing must meet all of the applicable standards outlined in Section 10-3 of this Title.

Off-street parking for the single-family attached dwellings has been discussed in these findings under Chapter 3. The applicant is proposing two-car garages, which would exceed the maximum 12-foot width permitted. Staff offer an interpretation of how the applicant's intentions for 2-car garages could be permitted (see Pages 11-14 of these findings). Alternatively, the Planning Commission may find the proposal for 2-car garages does not meet the standards of the FCC and therefore deny the design review or require the plans to be amended.

6. Fences: Attached Housing must meet all of the applicable standards outlined in Section 1034-5 of this Title.

Fencing standards have already been addressed in these findings. The applicant's 9-foot-high buffer/screen located on the common side property line in the driveway exceeds the maximum height permitted in the front yard. The fence height has been appropriately conditioned to be no higher than 4-feet.

TITLE 10: CHAPTER 35: ACCESS AND CIRCULATION

10-35-2-7: Intersection Separation; Backing onto Public Streets: New and modified accesses shall conform to the following standards:

A. Except as provided under subsection B, below, the distance from a street intersection to a driveway shall meet the following minimum spacing requirements for the street's

classification, as measured from side of driveway to street or alley pavement (see Figure 10-35(1)). A greater separation may be required for accesses onto an arterial or collector for compliance with ODOT or County requirements.

Separation Distance from Driveway to Pavement:

Collector Street 30 feet

As seen on Sheet L3.0, the driveway distance from the intersection of the new 53rd Street (to be constructed as part of the Pine Crossing subdivision) and Spruce Street exceeds 35-feet (centerline of Spruce Street to landscaped median, separating driveways, on Lot 1 is approximately 100-feet). Criterion met.

10-35-2-8: Access Standards: New development shall gain access primarily from local streets. Access onto arterials and collectors shall be evaluated based on access options, street classifications and the effects of new access on the function, operation and safety of surrounding streets and intersections and possible lower level street alternatives. Where such access to higher level street classification is necessary, shared driveways may be required in conformance with FCC 10-35. If vehicle access off a lower-level street is possible, then the City may prohibit access to the higher-level street.

The new single-family attached dwellings will gain access from a local street (the newly constructed 53rd Street).

10-35-2-9: Site Circulation: New developments shall be required to provide a circulation system that accommodates expected traffic on the site. Pedestrian and bicycle connections on the site, including connections through large sites, and connections between sites (as applicable) and adjacent sidewalks, trails or paths, must conform to the provisions in Section 10-35-3.

The site provides adequate site circulation that accommodates expected traffic of the site and contains sidewalks for pedestrian movement. See Figure 12 below. Criterion met.



Figure 12. Rendering of new Pine Crossing neighborhood with single-family attached dwellings. Notice site circulation features - sidewalks, on-street parking, planter strip, etc.

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.

Driveway approaches are proposed. Driveway approaches shall be reviewed and approved by the Public Works Director as required in FCC 10-35-2-12-A.

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

1. Driveways for single family residences shall have a width of not less than ten (10) feet and not more than twenty-four (24) feet. Driveways leading to covered parking should be not less than 20 feet in depth from the property line to the structure.

Proposed driveways are not less than 10-feet nor more than 24-feet wide. There is a 20-foot space between the garage entrance and the property line. Criterion met. Refer to **Exhibit D**.

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.

The driveways meet this standard as they are wider than 10-feet and entirely paved. Criterion met.

3. Where a driveway is to provide two-way traffic, the minimum width shall be 18 feet.

Proposed driveways for the single-family attached dwellings do not permit for two-way traffic. Criterion not applicable.

4. One-way driveways shall have appropriate signage designating the driveway as a one-way connection. Fire apparatus lanes shall be so marked (parking prohibited).

One-way driveways are not proposed. Criterion not applicable.

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.

Driveway grades do not exceed 15 percent grade. Criterion met.

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 1035(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.

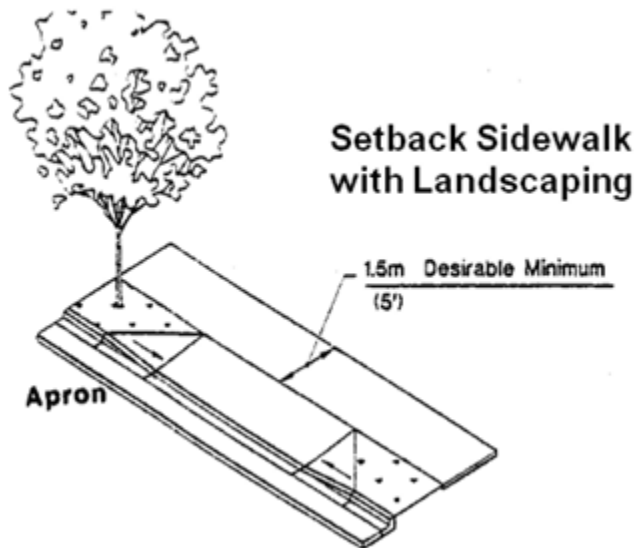


Figure 13. Applicant's driveway, planter strip, and sidewalk proposal matches the example seen in Figure 10-35(2).

The applicant's proposal for driveways and sidewalks most matches the type seen in Figure 13. Driveways are subject to review and approval by the Public Works Director. Criterion met.

10-35-2-13: Vertical Clearances: Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13' 6" for their entire length and width.

There is no indication on any of the plans submitted that the vertical clearance standard of 13-foot-6-inches is not met. The driveways will be free and clear in terms of vertical clearance. Compliance with vertical clearance standards must be in place in perpetuity. Criterion met.

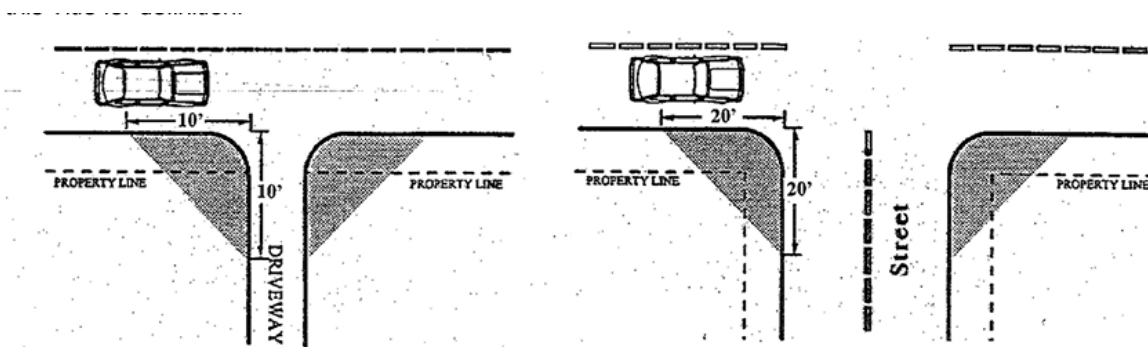
10-35-2-14: Vision Clearance: No visual obstruction (e.g., sign, structure, solid fence, or shrub vegetation) shall block the area between two and one-half feet (2 ½') and eight (8) feet in height in "vision clearance areas" on streets, driveways, alleys, mid-block lanes, or multi-use paths where no traffic control stop sign or signal is provided, as shown in Figure 10-35(4). The following requirements shall apply in all zoning districts:

A. At the intersection of two (2) streets, minimum vision clearance shall be twenty feet (20').

B. At the intersection of an alley or driveway and a street, the minimum vision clearance shall be ten feet (10').

C. At the intersection of internal driveways, the minimum vision clearance shall be ten feet (10').

The sides of the minimum vision clearance triangle are the curb line or, where no curb exists, the edge of pavement. Vision clearance requirements may be modified by the Public Works Director upon finding that more or less sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.). This standard does not apply to light standards, utility poles, trees trunks and similar objects. Refer to Section 10-2-13 of this Title for definition.



**Figure 10-35(4): Vision Clearance Areas
(solid lines indicate curbs or edge of pavement)**

Figure 14. Vision clearance areas shall remain in compliance in perpetuity.

Vision clearance shall remain in place in perpetuity. The common buffer/screen located on the common property line is proposed to be 9-feet in height, which exceeds buffer/screen heights in the front yard. A condition of approval for the applicant to revise the height has been added to these findings. Street trees and shrubs proposed at intersections shall not obstruct the area between 2 ½ feet and eight feet in height in vision clearance areas. This will be an informational item.

10-35-3: PEDESTRIAN ACCESS AND CIRCULATION: All new development shall be required to install sidewalks along the street frontage, unless the City has a planned street improvement, which would require a non-remonstrance agreement.

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:

1. Upon any new development of property.

Sidewalks, along the frontage of all properties, will be reviewed and approved as part of the Pine Crossing tentative subdivision review and constructed with home development. Criterion met.

TITLE 10: CHAPTER 37: LIGHTING

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.

Residential lighting must be full cut off fixtures. The applicant has not submitted a lighting plan to demonstrate compliance. However, staff find it feasible that the applicant can meet the residential lighting standards and a lighting plan can be reviewed, in detail, concurrent with building permit review. To that end, staff recommend a condition of approval with respect to FCC 10-37-3 to ensure compliance.

The lighting plan, to be submitted concurrent with building permit request, must address the standards of FCC 10-37-4.

TITLE 9: CHAPTER 5: Stormwater Management

B. Modified Requirements: Projects described below shall follow the requirements contained in the “Erosion Prevention and Sediment Control Practices for Single Family Residences and Small Projects” brochure available from the City:

1. Single family residential construction projects that are separate from the development (partitioning or subdividing) of the land.

2. Non-residential construction projects adding less than 500 square feet of impervious surface to the area.

3. Land clearing and grading activities disturbing less than 10,000 square feet of land and involving less than 50 cubic yards of excavated or fill material.

The proposal involves single-family residential construction that is part of a subdivision of land. While this criterion does not strictly apply, the applicant will be held to the standards to Title 9: Chapter 5 (including erosion and sediment control) as part of the subdivision review process. The applicant has submitted a stormwater management plan that is being reviewed by City staff as part of the subdivision review process.

VI. CONCLUSION

The evidence submitted demonstrates that the proposed single-family attached dwellings conform to the applicable approval criteria, but for the garage widths. Planning Commission must consider and decide if the applicant's proposed garage width is acceptable within the context of an interpretation of FCC 10-3-8-A-1.

VII. CONDITIONS OF APPROVAL

Condition of Approval: Prior to issuance of building permits, applicant shall receive approval for driveway approaches from the Public Works Director as required in FCC 10-35-2-12-A.

Condition of Approval: Prior to issuance of building permits, applicant shall submit for review and approval by Planning Director, or their designee, a lighting plan that includes and addresses the requirements of FCC 10-37-4.

Condition of Approval: Prior to issuance of building permits, applicant shall submit proof of a recorded maintenance easement from the owners of contiguous properties providing for reasonable ingress, egress and the use of such properties for the purpose of maintaining, repairing and replacing the premises. The easement shall be in a form approved by the City Attorney.

Condition of Approval: Prior to issuance of building permits, applicant shall submit revised architectural plans showing buffer/screen, located on the common side lot line in the driveway of the dwellings, a maximum height of 4-feet in accordance FCC 10-34-3-7-A.

VIII. INFORMATIONAL ITEMS

Informational Item #1: Vision clearance areas shall remain in place in perpetuity. No obstructions, including fences, trees, shrubbery, shall obstruct the area between 2 ½ feet and eight feet in height in vision clearance areas in accordance with FCC 10-35-2-14.

Informational Item #2: Vertical clearance areas shall remain in place in perpetuity. Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13' 6" for their entire length and width.

IX. EXHIBITS:

"A"	Findings of Fact - Proposed
"B"	Written Statement
"C"	Site Plan L3.0
"D"	Color Exhibit – Driveways
"E"	Architectural Plans
"F"	Subdivision Matrix
"G"	Color Renderings
"H"	Variance Written Statement
"I"	Public Comments

August 22, 2023

PINE CROSSING RESIDENTIAL SUBDIVISION Design Review - Resubmittal

WRITTEN STATEMENT

In accordance with the Design Review submittal requirements, this written statement describes the proposed development and demonstrates that the proposal complies with the criteria contained in Florence Code 10-6-5. This application is being submitted concurrently with a Tentative Subdivision Application. We request that the two applications be processed concurrently.

I. LAND USE REQUEST

A. Introduction

This application requests approval of a Design Review for the proposed single-family attached units associated with a Tentative Subdivision. The subdivision is for 46 lots, 36 lots for single-family attached units (for which this DR is being submitted), eight (8) lots for single-family units, and two (2) lots for the common open space area. This will require City of Florence approval of two land use applications – a Tentative Subdivision and Design Review. Although relating to the same project, each of these has been submitted as a complete, stand-alone application including application form, city fee, written statement with findings demonstrating compliance with applicable criteria, exhibits, and plans. While each of these is to receive its own decision, to simplify and facilitate the overall process, the two applications have been submitted together for concurrent processing. It is intended that this concurrent submission will provide an opportunity for cross-referencing and parallel review which will assist the city in rendering a decision.

B. Project Directory

1. Owner / Applicant.
Pat Hammons
Coastal Development Partners, LLC
2824 N Power Rd, #113-278
Mesa, AZ 85215
Voice: 602-809-3212
Email: pbhtfg2@cox.net
2. Professional Design Team.
 - a. Planner
Dan Halverson
The Satre Group
375 West 4th Avenue, Suite 201
Eugene, OR 97401
Voice: 541-686-4540
Email: dan@satregroup.com
 - b. Landscape Architect/ Owner Representative
John Schmidt, ASLA
The Satre Group
375 West 4th Avenue, Suite 201
Eugene, OR 97401
Voice: 541-686-4540
Email: john@satregroup.com



PLANNERS + LANDSCAPE ARCHITECTS + ENVIRONMENTAL SPECIALISTS

375 West 4th, Suite 201, Eugene, OR 97401

Phone: 541.686.4540

www.satregroup.com

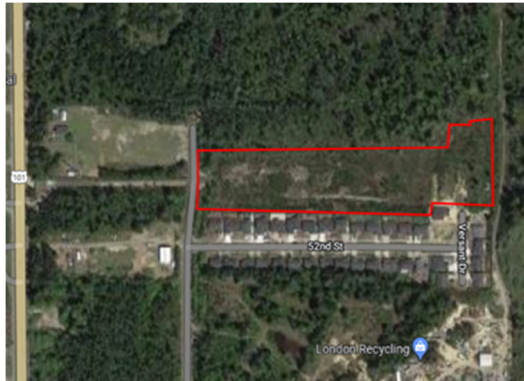
- c. Building Designer.
GER Drafting Services

2243 E. Claxton Street
Gilbert, AZ 85297
Voice: 480 988-2472
Email: houseplansinaweek@gmail.com
- d. Civil Engineer.
Nathan Patterson
Branch Engineering, Inc.
310 5th Street
Springfield, OR 97477
Voice: 541-746-0637
Email: NathanP@branchengineering.com
- e. Surveyor.
Dan Nelson, PLS
Branch Engineering, Inc.
310 5th Street
Springfield, OR 97477
Voice: 541-746-0637
Email: DanN@branchengineering.com

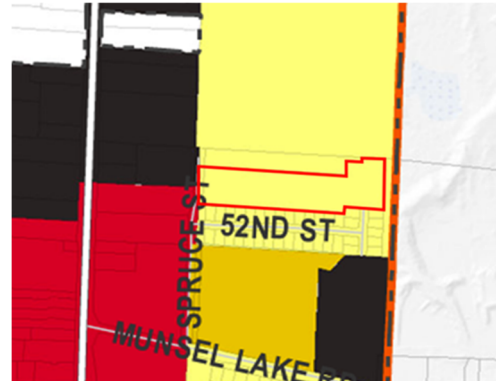
II. THE SITE AND EXISTING CONDITIONS

A. Development Site and Zoning

The site is located on the east side of Spruce Street, north of 52nd Street, and in the north part of the City of Florence. It is comprised of one tax lot (Map 18-12-14-20, Tax Lot 00203) and is approximately 7.61 acres in size. The site abuts vacant land to the north and east, residential to the south, and Commercial to the west; there is no applicable overlay zone.



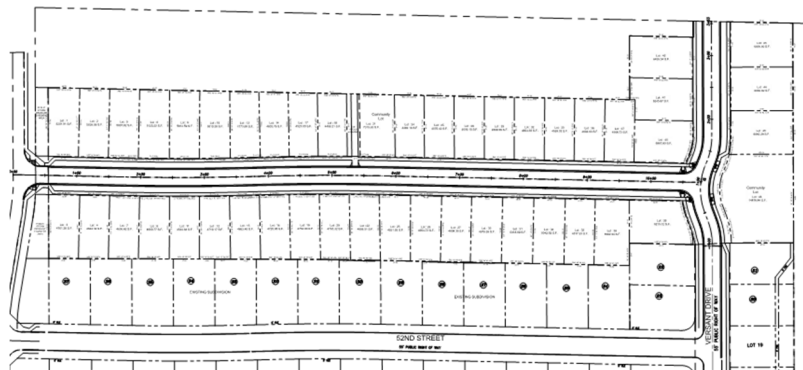
Subject Property
Regional Land Information Database (RLID) 2023



Excerpt
Florence Zoning Map 2023

B. Development Objective

The development objective is to subdivide the property into 46 lots, for the development of 36 attached single-family lots, eight (8) single family large lots, and two (2) open space community lots, along with all associated public improvements. All criteria and their associated findings with this application are addressed below.



III. RESPONSES TO STAFF COMMENTS

This section is presented in the same order as the issues letter from the City of Florence, dated July 5, 2023. The City comments are in *italics*, followed by the applicant's responses.

1. *FCC 10-3-8-A-3 – Limits garage and driveway width to 12 feet when driveway and garage access is on the front of the lot for attached single-family housing.*

- *Phase 1 lots, 1, 2, 5, 6, 9, and 10 meet the minimum lot dimension for duets and shall meet driveway design criteria for FCC 10-35-2-12 for 10 feet and a max 24 feet driveway width.*
- *Phase 1 lots, 3, 4, 7, and 8 do not meet minimum lot square footage of 5,000 square feet and therefore would be processed as attached single-family dwellings and are limited to a maximum 12-foot driveway and garage per FCC 10-3-8-A-3.*

A few options available:

- *1) request design review for the lots on the south side of (proposed) 53rd to be reviewed as a Type III quasi-judicial review through a public hearing with Planning Commission.*

Response: The applicant agrees with the staff option above that going to Planning Commission for a modification of the section quoted above is the correct path. There are several reasons for this decision and as a part of the resubmittal, the applicant hopes to show staff and Planning Commission that the intent of the code is being met, while also showing how the code as written is complicated and vague in certain aspects.

Section 10-3-8-A-3 is for parking on attached units, two (2) or more. The issue arises here because there is "Single-Family Attached" (SFA) and "Duets", which both allow two units to be attached on their own lots. The SFA units are allowed on smaller lots, because it is assumed these were to be "Row Houses" or "Townhomes", which the narrow garage on a 25 foot to 35-foot width lot would make sense. This type of housing in other jurisdictions would require that no more than 50% of the frontage be driveway/garage. The type of housing being proposed here is more of an Attached Single-Family residence and not a row home or townhome, which are typically on narrow lots and have three (3) units or more attached.

Staff has pointed out the issues within the code and the applicant would like to provide staff and the Planning Commission discussion points as to why this development meets the intent of the code, and if in the future the code is modified for Single-Family Attached units, why this proposal should be permitted. There are four main points that the applicant contends this project meets the intent. The intent of Section 10-3-8-A-3 is:

- Percentage of lot frontage covered;
- Parking on the street;
- Public safety; and,
- Design.

First, Lot frontage coverage. The last few years the State of Oregon has passed House Bill 2001 which mandates that certain large cities must allow different housing types, including duplexes, triplexes, fourplexes, etc. As part of the overhaul many of the city codes had to be rewritten. Regionally, the cities with "Attached Single-Family" units have codes so that do not allow more than 50% of the frontage to be driveways and garages. This ensures that there will not be a swath of concrete down the entire street. The type of housing proposed here has an average lot size of 4,800 square feet with frontages averaging 48 feet wide. With the narrowed 16 feet entry drive and front yard landscaping the average driveway width is 33% of the frontage. This still allows 2/3rds of the lot for grass, entryways, and pedestrian interaction in the front yards.

Second, is on-street parking. The intention of the code above is to not create a sea of driveways along the street, thus negating any on-street parking for guests and deliveries. The applicant is proposing units that are attached by the garages. The proposal still provides on-street parking, on the south side of the development, that will allow approximately 20 spaces along the east, west street.

There is plenty of separation in the driveways due to the lots being wider than the minimums. Again, rowhomes or townhomes would be on narrower lots and with a two-car garage the whole frontage would be dominated by the garage.

Thirdly, is pedestrian safety. With rowhomes or townhomes, the lots are narrower and if a garage was located within the front the sidewalk would be crossing a large, continuous driveway. The proposed design, with a setback sidewalk as opposed to a curbside sidewalk allows the pedestrian walkways to cross the driveways with good visibility for drivers as well as pedestrians. The driveways are also proposed at 16 feet at the sidewalk crossing which provides for a reduced width driveway with more sidewalk within the right-of-way.

Finally, the design. As stated above the intent of Section 10-3-8-A-3, which limits the driveway and garages to 12 feet on single-family attached units is primarily driven for the reasons above. The design of rowhomes or townhomes is traditionally driven to put parking in the rear and have pedestrian gathering places in the front. The single-family attached unit that is proposed is a type of housing that falls in-between having several homes attached (townhomes) and single-family detached. The unit is single story, allows parking in the garages which are front loaded, with generous porches and includes pedestrian gathering spaces in the front yards. These homes are in demand for the empty nesters who are downsizing, an ageing population who can no longer navigate stairs, or a potential starter home for new home buyers. The proposed design meets the intent of the section above but also allows flexibility for a new housing type that will assist with the housing shortage that is happening nationally.

2. *FCC 10-10-7 – Attached Housing. Please provide details and specifications on the exterior building materials to be used.*

Response: Siding will be Hardie® Plank and include a variation of styles to meet customer request. The siding styles will include lap siding, board and baton and cottage style. Another design option available for all units is a stone veneer wainscoting. There are multiple color options available using the Hardie Plank color chart and may include white, blue grey, green and an earth color, with trim colors primarily white or dark brown.

There are several variations of design with the options of colors, trim colors, siding, wainscoting, and the designs of the two proposed units, a three-bedroom or the four-bedroom units. The garages and windows will all be trimmed and there is an option of white garage doors or brown colored garage doors. The front porches have the option of a decorative truss element that would be painted the same trim color as the house.

IV. DESIGN REVIEW – APPROVAL CRITERIA AND FINDINGS

This section is presented in the same order of applicable requirements found in Sections 10-6-1 to 10-6-11, Title 10 Design Review Regulations for the City of Florence. Applicable sections of the Code are in *italics*, followed by proposed findings of facts in normal text.

10-6-3 General Applicability. (B) *The Planning Director or designee shall:*

1. *Unless otherwise directed by the underlying zoning district, review the following through a Type II process consistent with FCC 10-1-1-6-2 prior to issuance of a building permit:*
 - a. *Construction or expansion of a residential or mixed-use building that includes residential uses, but not limited to:*
 - i. *Single-family attached dwellings in the Medium Density Residential and Manufactured Home Park Districts.*

Finding: The project is proposing 36 attached single-family structures (18 buildings), which are attached at the garages, on property zoned Medium Density Residential.

10-6-5-2: GENERAL STANDARDS FOR RESIDENTIAL DEVELOPMENT: Residential projects and mixed-use buildings with a residential component shall meet the following standards. The Planning Director shall approve or approve with conditions the proposed development based on compliance with the following standards:

- A. *Setbacks, yards, height, density, lot area, dimensions, percentage of coverage, and similar design features according to the underlying zoning district.*

Finding: All lots and the units proposed meet or exceed the minimum setbacks, lot coverage, heights, lot area, and density. As part of the subdivision and this Design Review application a matrix is being submitted showing that all lots meet the lot dimensions, setbacks, lot coverage, and impervious lot coverages (see attachment 5A). According to Section 10-10-4 (E) the maximum density for the MDR zone is 12 units per acre and the proposed Pine Crossing development is 7.61 acres with 44 total units. This equates to approximately 5.78 units per acre, which is well below the maximum allowed. The proposed units are all one-story and are approximately 16-18 feet tall.

10-10-7: ATTACHED HOUSING - C. Approval Criteria.

1. *Construction Criteria:*

- a. *Maintenance easement: No building permit shall be issued for an attached development unless the applicant provides a copy of a recorded easement from the owner(s) of contiguous properties providing for reasonable ingress, egress, and use of such properties for the purpose of maintaining, repairing and replacing the premises. The easement shall be in a form approved by the City Attorney.*

Finding: The Single-Family attached units are connected at the garages. Each unit will be on its own lot and as such will not require an access easement. If an easement is required for the roofs or other maintenance areas that cannot be maintained without access to the neighboring unit's property, then an agreement shall be drawn up prior to building permits. The homeowners associations will identify and manage the maintenance of shared roofs and walls for all units.

- b. *Number of attached units allowed: No more than 4 consecutive units that share a common wall or walls, roof, or foundation are permitted. A set of 4 attached units is allowed to be adjacent to a separate set of 4 attached units.*

Finding: These are single-family attached units on their own lots. There are no more than two consecutive units that share a common wall.

2. *Dimensional Standards: In addition to the standards listed in 10-10-4, attached housing must meet the following:*

- a. *Interior side setback: Any exterior wall or portion thereof which faces but is not contiguous to an interior side lot line shall be setback a minimum of five feet. This standard shall also apply to accessory structures.*

Finding: All units have an interior side yard setback of at least 5 feet. See Matrix attachment 5A for each unit's setbacks.

3. *Open Space: Developments of four (4) or more units shall provide and maintain open space for the use of all occupants. Open space shall have the following characteristics:*

- a. *Not less than ten feet (10') in width or depth at any point.*
b. *Located on land with grade less than five percent (5%) slope.*
c. *Cleared sufficiently of trees, brush, and obstructions so that intended recreational use proposed is possible.*
d. *Not used for temporary or regular parking of automobiles or other vehicles.*

- e. *Includes at least one hundred (100) square feet of area for each dwelling unit. (Ord. 625, 6-30-80).*
- f. *Includes one or more of the following: indoor or outdoor recreation area, protection of sensitive lands (e.g., trees or bank vegetation preserved), play fields, outdoor playgrounds, outdoor sports courts, swimming pools, walking fitness courses, pedestrian amenities, or similar open space amenities for residents.*
- g. *Open space may be provided as private open space for single-family attached dwellings.*

Finding: There are 44 lots proposed, 36 attached units and 8 single family lots. The design review is for the attached units, as there are no structures proposed for the large detached single-family lots. Two open space community lots are proposed, one natural open space lot (primarily wetland) and one community lot with amenities. With 44 units, the open space would require 4,400 square feet at a minimum and the proposed community space lot is 7,315 square feet in size. This lot is larger than the 10 x 10 space required, there is less than 5% slope on the lot, it will be cleared for recreational use, and no parking of automobiles will be allowed on it. The community space is proposed with a sports court, playground, and benches for the residents.

4. *Architectural Details*

- a. *Approved exterior building wall materials:*
 - i. *Lap siding, board and batten siding, cottage style. Metal siding shall not be permitted.*

Finding: Siding variations are proposed on both the 3 bedroom and 4-bedroom units. There is also an option for a stone veneer wainscoting for all units. The architectural plans show a variety of select siding options and colors from a portion of the approved manufacturer color list.

- b. *Single-family attached and duet dwellings shall include an area of transition between the public realm of the right-of-way and the entry to the private dwelling with one of the following options:*
 - i. *A covered porch or patio of at least sixty square feet with a minimum depth of five feet (5') between the main entrance and the street.*
 - ii. *Uncovered stairs that lead to the front door or front porch of the dwelling. The stairs shall rise at least three feet (3'), and not more than six feet (6'), from grade.*

Finding: Both the three-bedroom and the four-bedroom models have an entryway porch that is larger than 60 square feet (approximately 114 sq ft). The depth is proposed at 6 feet deep, therefore exceeding the 5-foot minimum.

- 5. *Off-Street Parking: Attached Housing must meet all of the applicable standards outlined in Section 10-3 of this Title.*

Finding: Parking is discussed below in Section E. The units are proposing a two-car garage with each unit and an additional two spaces are provided in front of the garages.

- 6. *Fences: Attached Housing must meet all of the applicable standards outlined in Section 10- 34-5 of this Title.*

Finding: Fences are also discussed below in Section C. The attached units meet or exceed the applicable standards in Section 10-34-5. There are no fences proposed in the front yards and all fences in the side and rear yards are six feet or less in height. The fences will be constructed of wood or one of the other allowed materials listed in Section 10-34-5 (F) – Materials. Therefore, these criteria are met.

- B. *Design standards set forth in FCC 10-10 for the proposed residential type, if applicable, except buildings with residential uses in the Old Town or Main Street Districts shall meet Downtown*

Architectural Design Standards of 10-6-6 subsections: 3-C, 4 and 5 as implemented by the Comprehensive Plan, Multi-family dwellings and mixed-use buildings with a residential component located in any zone other than Old Town or Mainstreet Districts shall comply with the Multi-Family Dwelling Standards in FCC 10-10-9.

Finding: The applicable design standards in FCC 10-10 for the attached single-family units are discussed in detail above in the applicable design review sections. The proposed project is not located within the Old Town or Main Street districts. Therefore, this criterion is 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.*

Finding: Section 10-34-3-1 states that single-family and duplexes are exempt from these standards. With that said, the project meets or exceeds the landscape requirements. A Landscape plan has been submitted with this package (see sheet L5.0) and the plans show all fences, walls, and screening materials. Street trees and plantings as part of the stormwater facility are indicated within the planting plan. The planting plan also includes additional planting within the right of way to match the character of the stormwater planting creating a fully planting landscape strip along the east/ west roadway. Therefore, this criterion is 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.*

Finding: The site is not adjacent to Highway 101, a State Highway. The new public street, 53rd Street, is designed similar to the adjacent 52nd Street and connects Spruce Street to Verdant Avenue. All proposed driveways are designed to standards in FCC 10-35. All proposed driveways have more than the 25-foot distance separation from any intersection. All driveways are approximately 18 to 20 feet wide, and all driveway aprons will be designed per Section 10-35-2-12, therefore, this criterion is met.

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

Finding: Parking is set forth in FCC 10-3 and according to 10-3-1 (A) Single Family Attached requires two (2) spaces per unit. In short, each unit will be provided with two garage spaces and spaces in the driveway. The on-site circulation is handled with the newly proposed public street and meets or exceeds the criteria in FCC 10-3. Therefore, this criterion is met.

- F. *Exterior lighting according to the standards set forth in FCC 10-37 Lighting.*

Finding: There are three (3) streetlights proposed in the new street (53rd St.), one new light on Versant Drive, and three low wattage lights for the new community area pocket park. The new streetlights are proposed below the 20-foot standard per Section FCC 10-37-4-(C) using the Central Lincoln Peoples Utility District street light standard. The pocket park lighting will be shielded from the residences and will be less than the 20-foot height standard. See Section 10-37 below.

- G. *Provision of public facilities and infrastructure according to standards set forth in FCC 10-36 Public Facilities, or issuance of a performance bond or suitable substitute as agreed upon by the City has been filed with the City in an amount sufficient to assure the completion of all required public facilities and infrastructure.*

Finding: The public facilities plan will meet or exceed the standards in FCC 10-36. All plans will

be vetted by the City and conditioned to build or bond the infrastructure. All public infrastructure being proposed is discussed in the Tentative Subdivision application. The applicant is proposing 60 feet of right-of-way for the new street with setback sidewalks. This criterion is met.

IV. Conclusion

Based on the information and findings contained in this written statement, associated exhibits, and plan set, the proposed development meets the design review criteria of approval contained in the City of Florence Code. Therefore, the applicant requests that the City of Florence approve the proposal. The applicant and their representatives are available for questions. We look forward to working with staff to ensure this project meets the goals and objectives of the applicant and the City of Florence.

If you have any questions about this written statement, please do not hesitate to contact John Schmidt at (541) 686-4540 or email john@satregroup.com.

Sincerely,



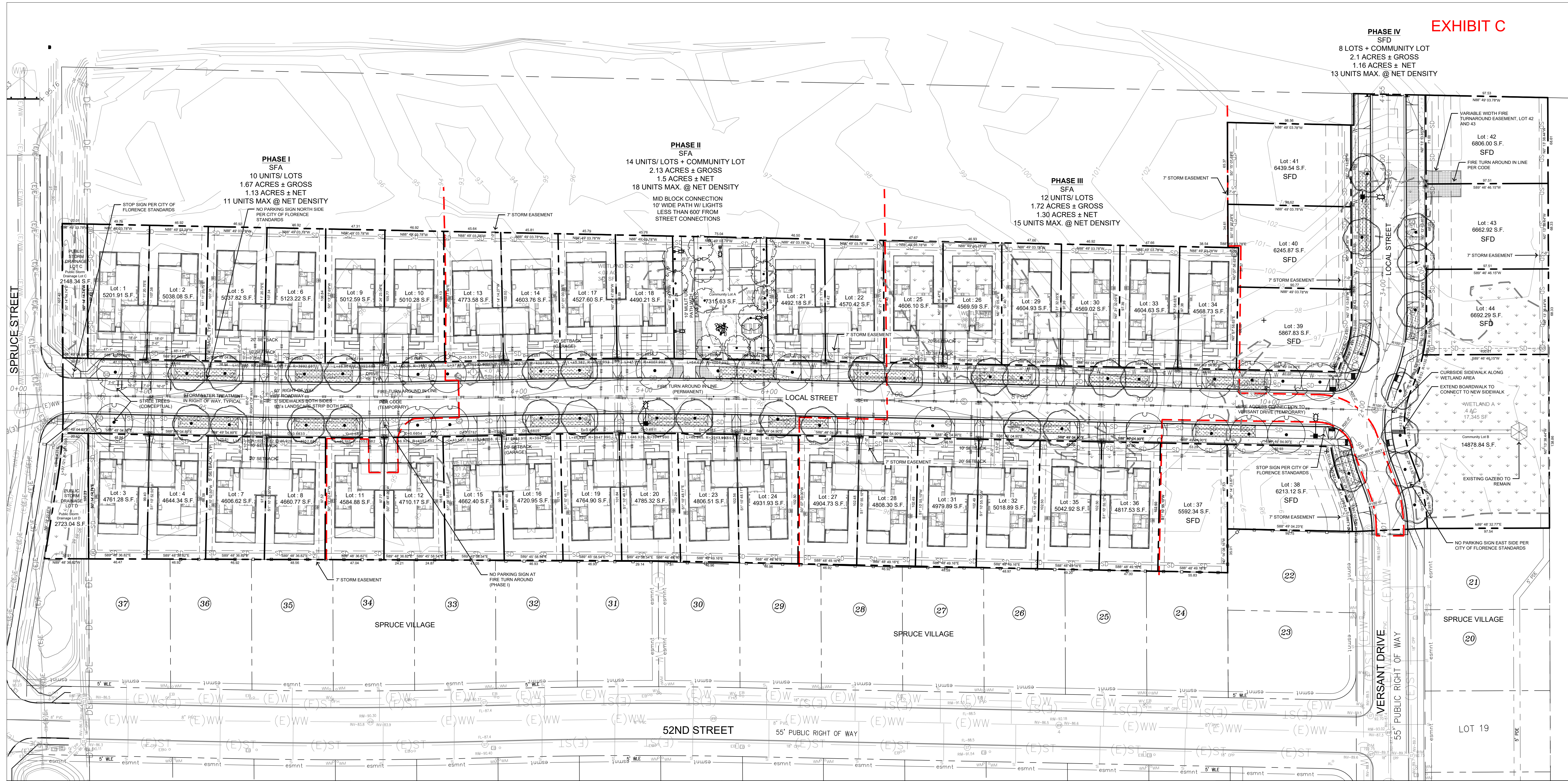
John Schmidt, ASLA
The Satre Group

PHASE IV
SFD
8 LOTS + COMMUNITY LOT
2.1 ACRES ± GROSS
1.16 ACRES ± NET
13 UNITS MAX. @ NET DENSITY

PHASE II
SFA
14 UNITS/ LOTS + COMMUNITY LOT
2.13 ACRES ± GROSS
1.5 ACRES ± NET
18 UNITS MAX. @ NET DENSITY

PHASE III
SFA
12 UNITS/ LOTS
1.72 ACRES ± GROSS
1.30 ACRES ± NET
15 UNITS MAX. @ NET DENSITY

PHASE I
SFA
10 UNITS/ LOTS
1.67 ACRES ± GROSS
1.13 ACRES ± NET
11 UNITS MAX. @ NET DENSITY



MAP and TAX LOT

MAP #: 18-12-14-20
TAX LOT: 00203
ZONING: MDR MEDIUM DENSITY RESIDENTIAL
GROSS APPROXIMATE SIZE: 7.61 ACRES

MDR MAX NET DENSITY: 12 UNITS/ ACRE
NET DENSITY: 5.09 ACRES
61 UNITS @ MAX. NET DENSITY
44 UNITS SHOWN

SFA = SINGLE-FAMILY ATTACHED
SFD = SINGLE-FAMILY DETACHED

NOTES

- 1. SURVEY INFORMATION PROVIDED BY BRANCH ENGINEERING.
- 2. WETLAND AREAS SHOWN BASED UPON FIELD DELINEATION.
2.1. TOTAL WETLANDS INCLUDING JURISDICTIONAL DITCH: 42,176.73 S.F. / .96 ACRES
2.2. WETLAND IMPACT TO BE INCLUDED IN FILL PERMIT, 26,014.24 S.F. / .59 ACRES
- 3. THIS PLAN SHOWS PROPOSED DEVELOPMENT.
- 4. DEVELOPMENT SHOWN MEETS OR EXCEEDS LOT MINIMUMS, LOT COVERAGE REQUIREMENTS AND LOT DIMENSION FOR SINGLE FAMILY ATTACHED PER TITLE 10.
- 5. PROPOSED ROADS MEETS CITY STANDARDS FOR WIDTH AND RIGHT OF WAY AND WILL BE PUBLIC MEETING CITY STANDARDS.
- 6. LOTS A AND B SHOWN PRELIMINARILY AS COMMUNITY LOTS WITH NO RESIDENTIAL DEVELOPMENT. FINAL CONFIGURATION TO BE DETERMINED.
- 7. UTILITIES SHOWN FOR REFERENCE ONLY. SEE ENGINEER FOR DESIGN.
- 8. ELECTRICAL SERVICE DESIGN SHALL BE TO CENTRAL LINCOLN PEOPLES UTILITY DISTRICT DESIGN STANDARDS, DEVELOPED AS PART OF THE PUBLIC INFRASTRUCTURE PLANS.
- 9. FRANCHISE UTILITY SERVICE PROVIDERS (PHONE, INTERNET, TV) TO BE DEVELOPED WITH ELECTRICAL SERVICES DESIGN AS PART OF THE PUBLIC INFRASTRUCTURE PLANS.
- 10. COMMUNITY LOTS A AND B TO BE MAINTAINED BY HOA.
- 11. LOTS C AND D TO BE CONVEYED TO THE CITY OF FLORENCE AS PUBLIC STORM DRAINAGE LOTS.

LEGEND

- PROPERTY LINE
- EASEMENTS
- ADJOINING LOT LINES
- EXISTING FENCE LINE
- EXISTING CONTOUR LINES
- EXISTING WATER LINE (E)W
- EXISTING WASTE WATER LINE (E)WW
- EXISTING STORM LINE (E)ST
- EXISTING ELECTRIC (E)E
- EXISTING DRAINAGE EASEMENT (E)DE
- WETLAND DELINEATION, FIELD WORK
- PROPOSED WATER LINE (W)
- PROPOSED WASTE WATER LINE (WW)
- PROPOSED STORM LINE (SD)
- PROPOSED STORMWATER VEGETATED
- PROPOSED STREET TREES

LAND USE REVIEW SET
THIS DRAWING IS NOT FOR CONSTRUCTION
06-01-23



THE SATRE GROUP
375 West 4th, Suite 201, Eugene OR 97401
Phone: 541.686.4540 Fax: 541.686.4577
www.satregroup.com

REGISTERED LANDSCAPE ARCHITECT
John C. Schmidt
10/18/2015

TENTATIVE SUBDIVISION SITE PLAN

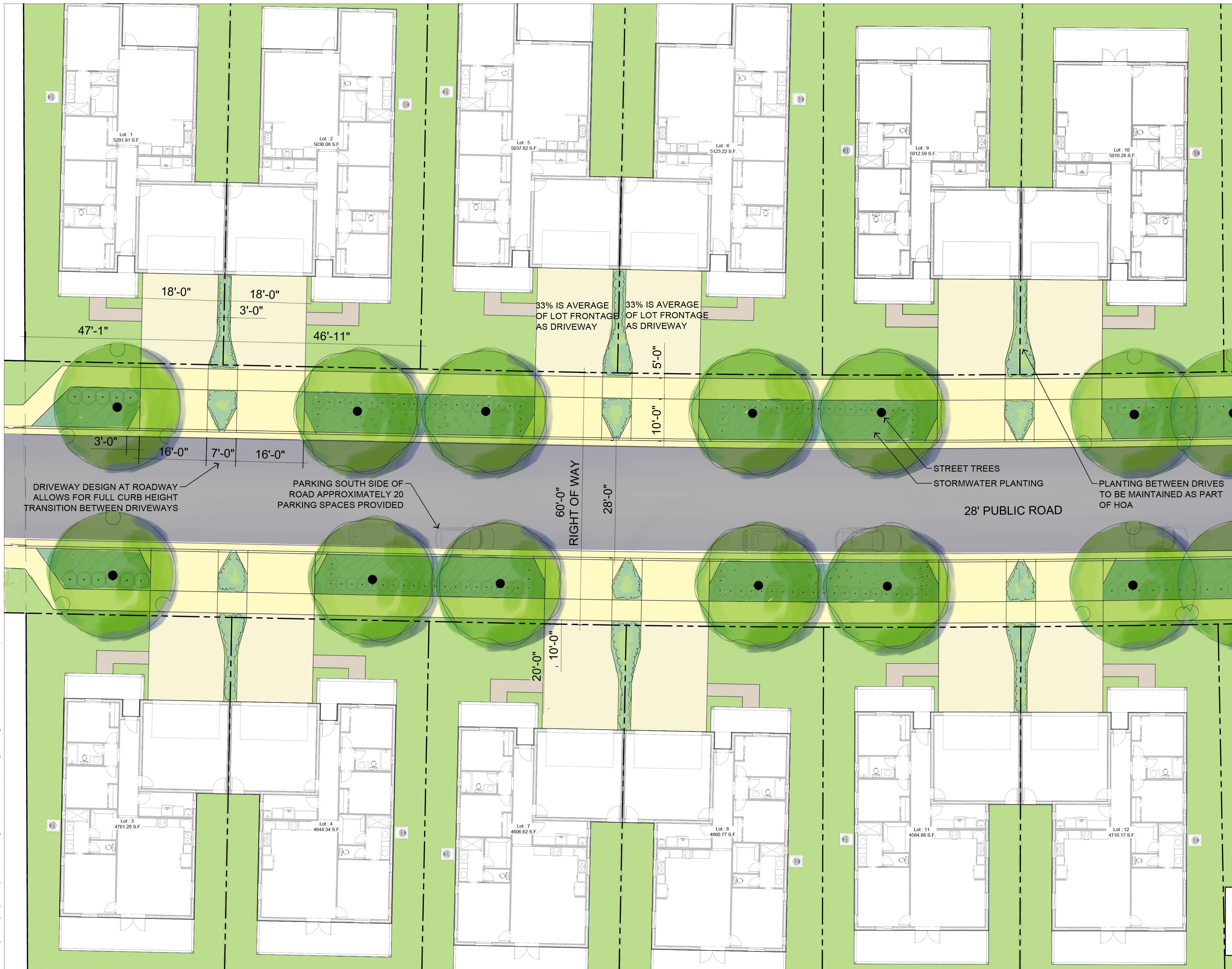
PINE CROSSING
SPRUCE STREET
FLORENCE, OREGON

SCALE 1" = 40' - 0"

Revisions table with columns: #, Date, Description

Project information table with columns: Project Number, Drawn By, Checked, Date, Phase

L3.0



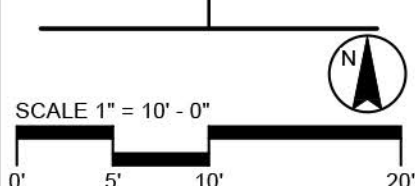
THE SATRE GROUP
 375 West 4th, Suite 201, Eugene OR 97401
 Phone: 541.686.4540 Fax: 541.686.4577
 www.satregrp.com

THE SATRE GROUP, LAND USE PLANNERS, LANDSCAPE ARCHITECTS AND ENVIRONMENTAL ENGINEERS HAS ASSIGNED THE DESIGN AND PREPARATION OF THESE PLANS TO A THIRD PARTY. ANY FORM OR MANNER WHATSOEVER, NOR ARE THEY TO BE ASSIGNED TO A THIRD PARTY, IN THE EVENT OF UNAUTHORIZED REUSE OF THESE PLANS BY A THIRD PARTY, THE THIRD PARTY SHALL HOLD THE SATRE GROUP HARMLESS.

REGISTERED
 873
 JOHN C SCHMIDT
 OREGON
 10/18/2015
 LANDSCAPE ARCHITECT

SITE PLAN INSET FOR DRIVEWAY MODIFICATION

PINE CROSSING
 SPRUCE STREET
 FLORENCE, OREGON



Revisions		
#	Date	Description

Project Number: 2226
 Drawn By: JCS
 Checked: JCS
 Date: 08-21-23
 Phase: TENTATIVE SUBDIVISION

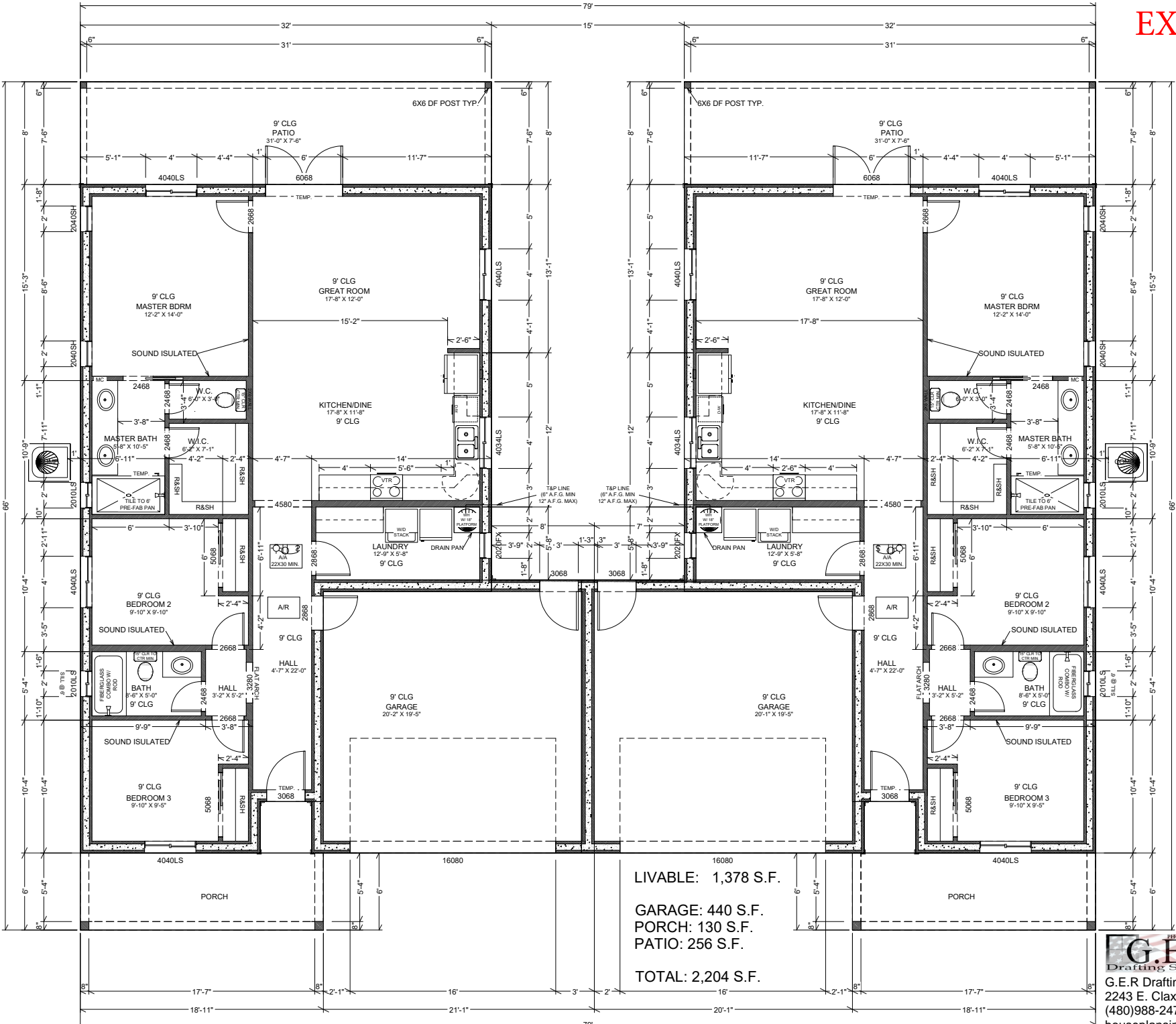
EX

© 2023 THE SATRE GROUP

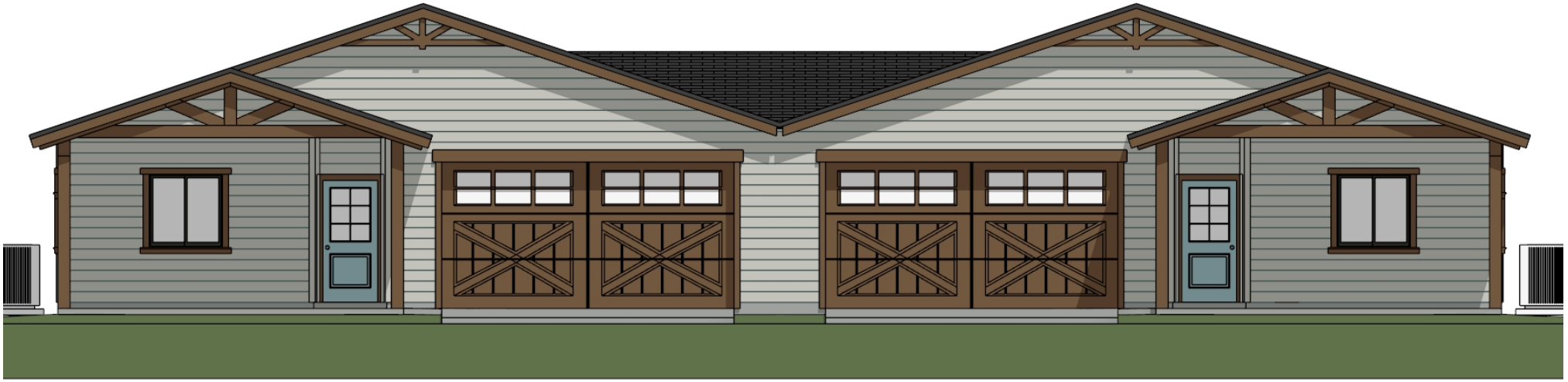
LAND USE REVIEW SET
 THIS DRAWING IS NOT FOR CONSTRUCTION
 8-2-23

M:\Project Activity\Project Activity - 2023\Pine Crossing - Florence\Site Plan\Pine Crossing sheets.dwg, 8/21/2023 5:00:35 PM, DWG To PDF.pc3, ARCH full bleed D (36.00 x 24.00 inches)

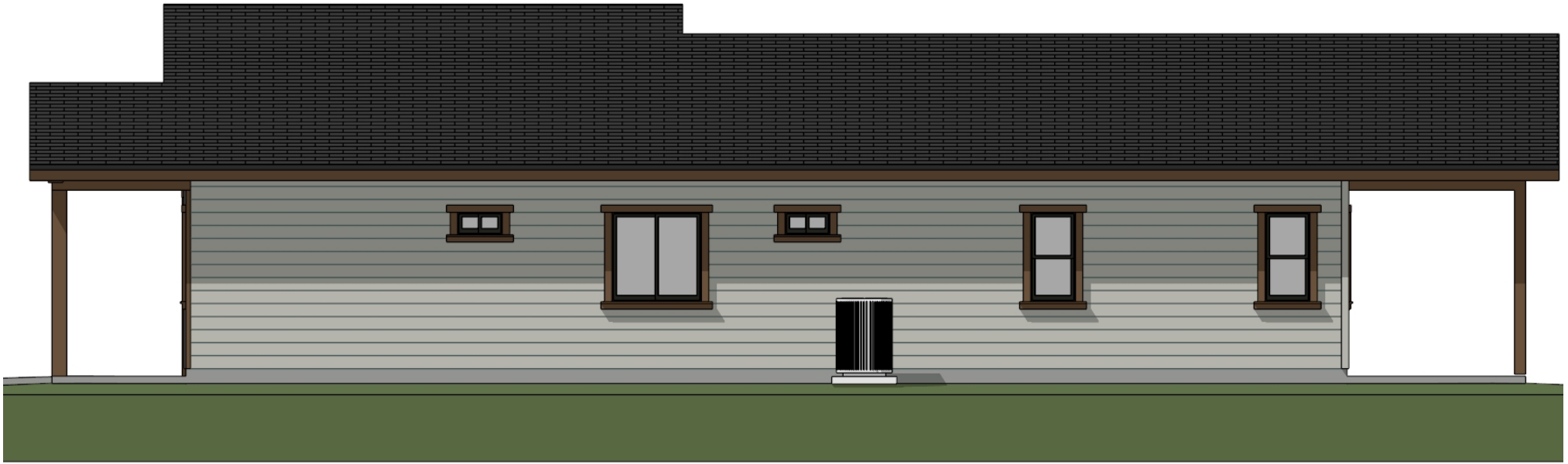
EXHIBIT E



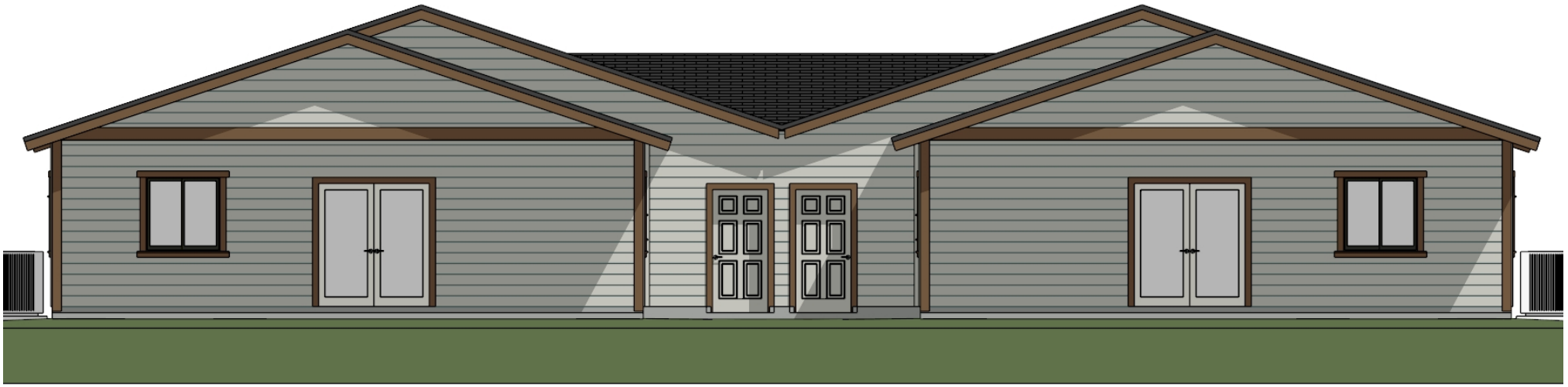
G.E.R. Drafting Services
 2243 E. Claxton Street Gilbert, AZ 85297
 (480)988-2472
 houseplansinaweek@gmail.com



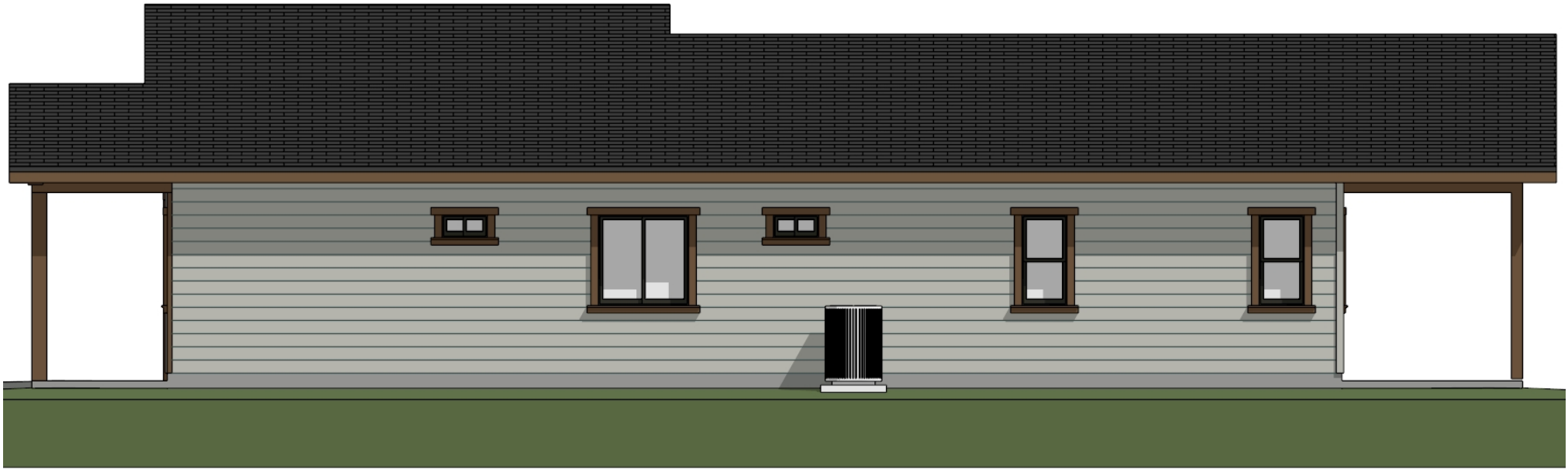
G.E.R. Drafting Services
2243 E. Claxton Street Gilbert, AZ 85297
(480)988-2472
houseplansinaweek@gmail.com



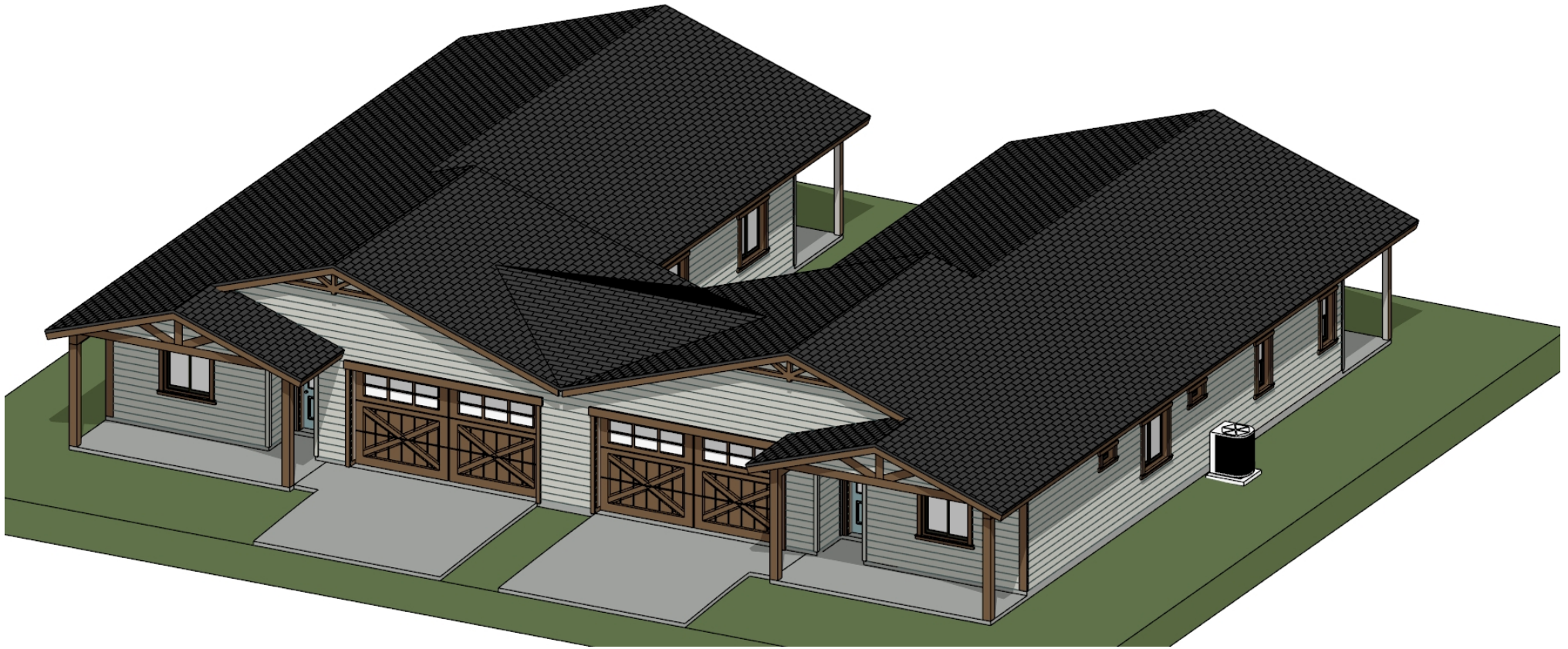
G.E.R. Drafting Services
2243 E. Claxton Street Gilbert, AZ 85297
(480)988-2472
houseplansinaweek@gmail.com



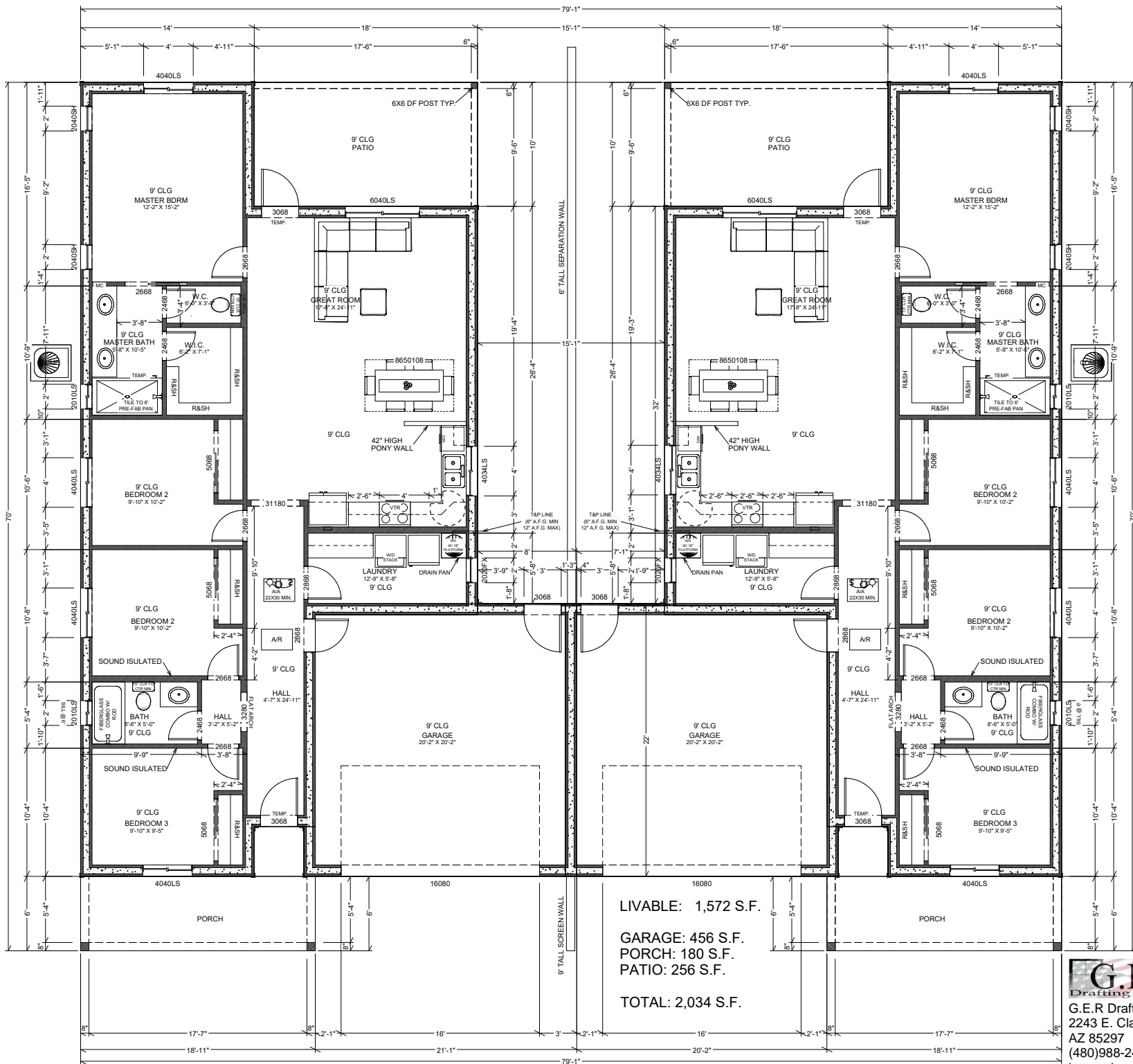
G.E.R. Drafting Services
2243 E. Claxton Street Gilbert, AZ 85297
(480)988-2472
houseplansinaweek@gmail.com



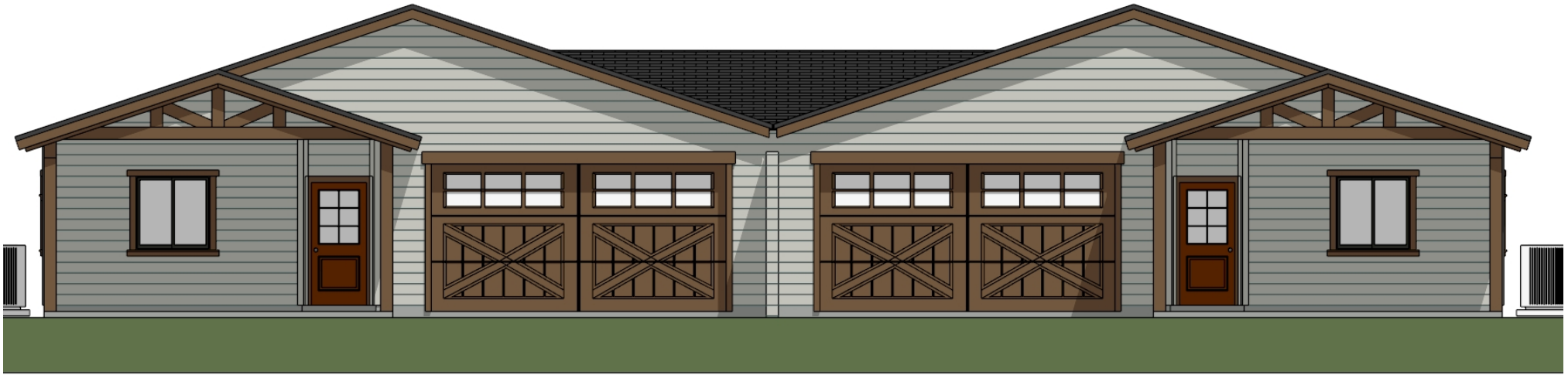
G.E.R. Drafting Services
2243 E. Claxton Street Gilbert, AZ 85297
(480)988-2472
houseplansinaweek@gmail.com



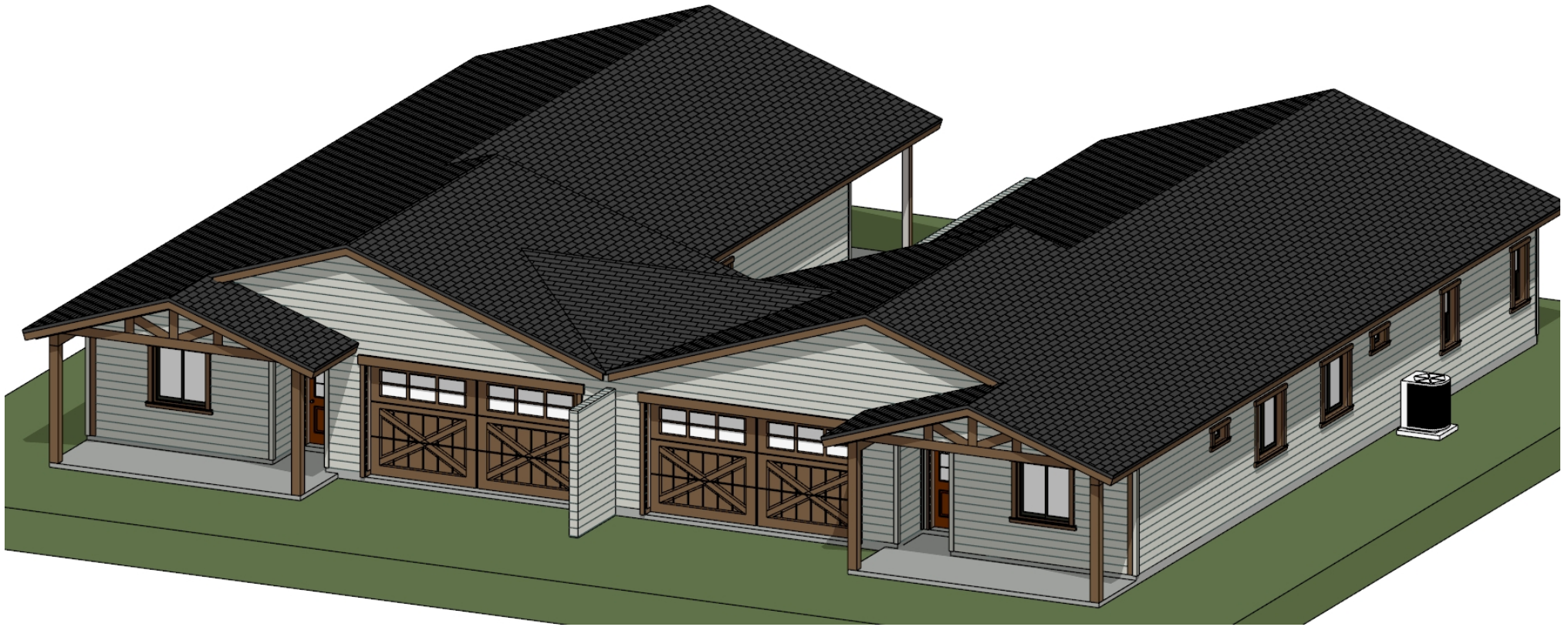
PHONE: 480-588-2472
G.E.R. Drafting Services
2243 E. Claxton Street Gilbert, AZ 85297
(480)988-2472
houseplansinaweek@gmail.com



LIVABLE: 1,572 S.F.
 GARAGE: 456 S.F.
 PORCH: 180 S.F.
 PATIO: 256 S.F.
 TOTAL: 2,034 S.F.



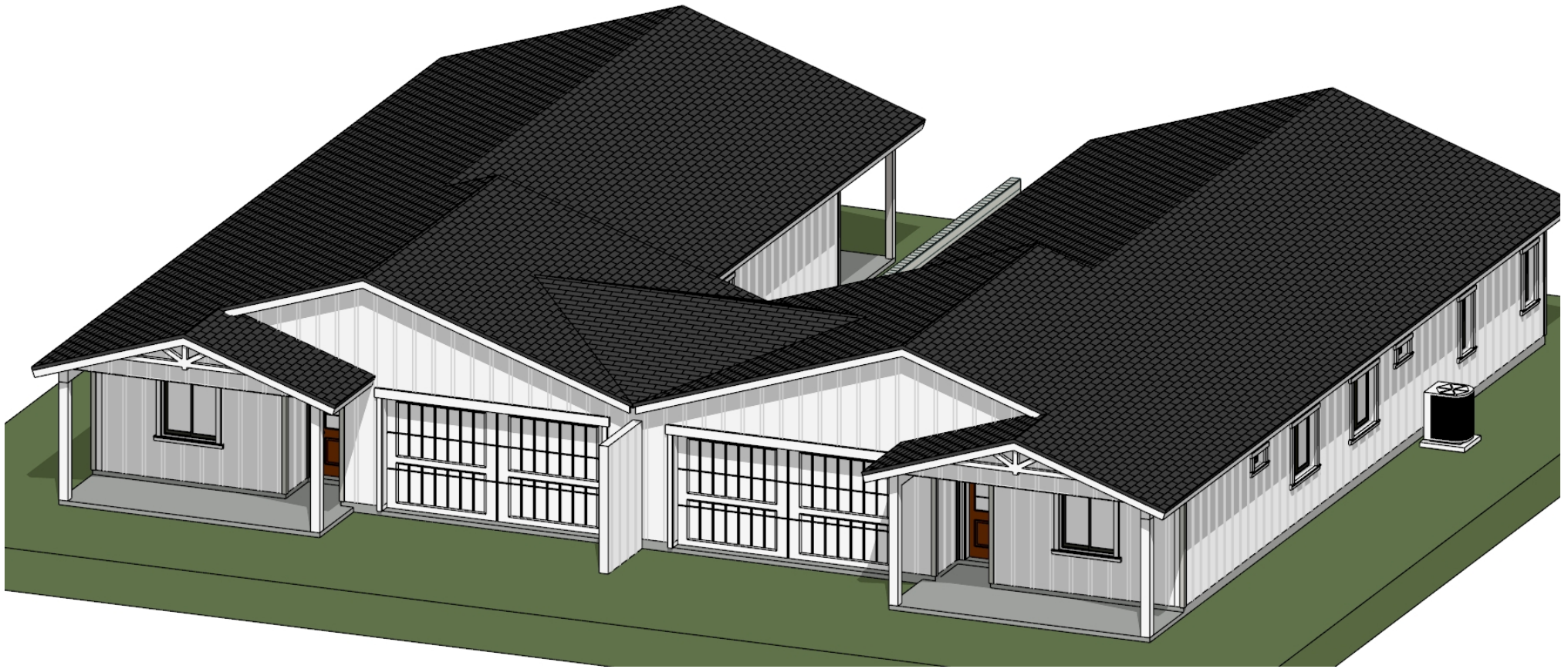
PHONE: 480-588-2472
G.E.R. Drafting Services
2243 E. Claxton Street Gilbert, AZ 85297
(480)988-2472
houseplansinaweek@gmail.com



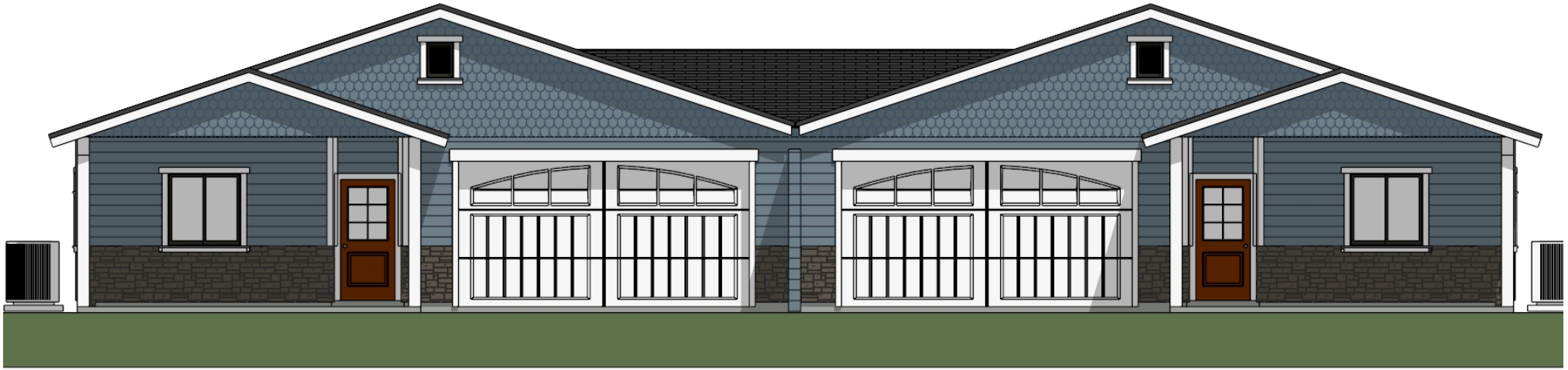
G.E.R. Drafting Services
2243 E. Claxton Street Gilbert, AZ 85297
(480)988-2472
houseplansinaweek@gmail.com



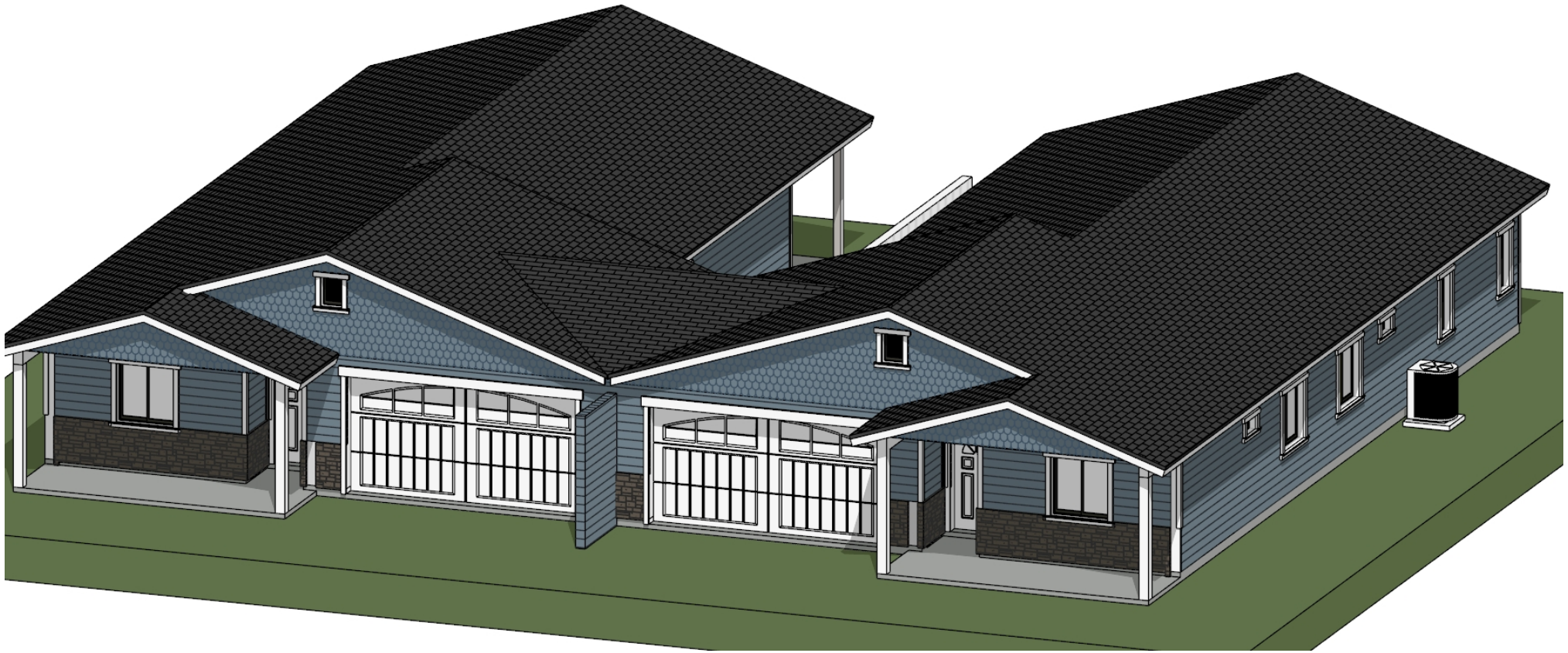
PHONE: 480-988-2472
G.E.R. Drafting Services
2243 E. Claxton Street Gilbert, AZ 85297
(480)988-2472
houseplansinaweek@gmail.com



G.E.R. Drafting Services
2243 E. Claxton Street Gilbert, AZ 85297
(480)988-2472
houseplansinaweek@gmail.com



G.E.R. Drafting Services
2243 E. Claxton Street Gilbert, AZ 85297
(480)988-2472
houseplansinaweek@gmail.com



PHONE: 480-988-2472
G.E.R. Drafting Services
2243 E. Claxton Street Gilbert, AZ 85297
(480)988-2472
houseplansinaweek@gmail.com

EXHIBIT F

Subdivision Matrix

	Lot Use	Lot Size – Attached SF	Front Yard setback	Side and Rear Setbacks	Lot coverage	Lot Width	Lot Depth	Lot Coverage all Impervious Areas
City Minimums A Model = 3 bed B Model = 4 bed	Attached SF or Detached Single-Family	3,000 sq ft Attached SF; 5,000 Sq Ft Attached SF	20 feet to garage min. 10 feet to Building	5 feet side yard and rear yard min. (0 on attached)	50% Max.	25 feet Attached SF or 50 feet Detached SF	80 Feet Minimum	75% Max.
Lot Identification								
1 B	Attached SF	5,202 sq ft	21 feet	8 side; 35 rear	38.98%	49.78 feet	107.42 feet	47.36%
2 B	Attached SF	5,038 sq ft	21 feet	7 side; 35 rear	40.37%	46.92 feet	107.38 feet	48.90%
3 A	Attached SF	4,761 sq ft	20 feet	6 side; 28 rear	40.91%	48.94 feet	99.40 feet	53.85%
4 A	Attached SF	4,644 sq ft	20 feet	6 side; 27 rear	41.94%	46.92 feet	98.58 feet	55.21%
5 B	Attached SF	5,038 sq ft	25 feet	7 side; 30 rear	40.25%	46.92 feet	107.38 feet	48.90%
6 B	Attached SF	5,123 sq ft	25 feet	7 side; 30 rear	39.58%	46.92 feet	106.84 feet	48.09%
7 A	Attached SF	4,606 sq ft	25 feet	7 side; 21 rear	42.29%	46.92 feet	97.83 feet	57.62%
8 A	Attached SF	4,661 sq ft	25 feet	7 side; 21 rear	41.79%	48.56 feet	97.52 feet	56.94%
9 A	Attached SF	5,012 sq ft	22 feet	7 side; 31 rear	38.86%	47.31 feet	105.77 feet	52.05%
10 A	Attached SF	5,010 sq ft	23 feet	7 side; 30 rear	38.88%	46.92 feet	104.13 feet	51.97%
11 A	Attached SF	4,585 sq ft	20 feet	7 side; 25 rear	42.48%	47.04 feet	97.77 feet	55.92%
12 A	Attached SF	4,710 sq ft	20 feet	7 side; 25 rear	41.35%	49.08 feet	98.61 feet	54.43%
13 A	Attached SF	4,773 sq ft	20 feet	6 side; 30 rear	40.81%	45.64 feet	102.02 feet	53.71%
14 A	Attached SF	4,604 sq ft	20 feet	6 side; 29 rear	42.31%	45.81 feet	100.10 feet	55.69%
15 A	Attached SF	4,662 sq ft	23 feet	7 side; 24 rear	41.78%	47.05 feet	99.97 feet	55.85%
16 A	Attached SF	4,721 sq ft	23 feet	7 side; 26 rear	41.26%	46.93 feet	101.19 feet	55.26%
17 A	Attached SF	4,527 sq ft	25 feet	5.5 side; 21 rear	43.03%	45.79 feet	100.10 feet	58.62%
18 A	Attached SF	4,490 sq ft	25 feet	5.5 side; 20 rear	43.38%	45.76 feet	98.69 feet	59.10%
19 B	Attached SF	4,765 sq ft	21 feet	7 side; 28 rear	42.56%	46.93 feet	101.84 feet	51.71%
20 B	Attached SF	4,785 sq ft	20 feet	7 side; 30 rear	42.38%	46.95 feet	120.24 feet	51.49%
21	Community OS	7,315 sq ft	N/A			75.04 feet	97.44 feet	n/a
22 B	Attached SF	4,806 sq ft	25 feet	7 side; 25 rear	42.19%	46.96 feet	102.56 feet	51.26%
23 B	Attached SF	4,932 sq ft	23 feet	7 side; 26 rear	41.11%	46.96 feet	102.50 feet	49.95%
24 A	Attached SF	4,492 sq ft	20 feet	6 side; 23 rear	43.36%	46.50 feet	97.44 feet	57.07%
25 A	Attached SF	4,570 sq ft	21 feet	7 side; 23 rear	42.62%	46.93 feet	97.42 feet	56.10%
26 B	Attached SF	4,905 sq ft	20 feet	6 side; 17 rear	45.01%	48.80 feet	102.48 feet	57.57%

EXHIBIT G



Pine Crossing Subdivision 3D Simulation
Modified Driveways for Single Family Attached

Design Review AR 23 13 DR 04

Request for Driveway Modification for Single Family Attached FCC 10-3-8



8-22-23



**Pine Crossing Subdivision 3D Simulation
Modified Driveways for Single Family Attached**

Design Review AR 23 13 DR 04
Request for Driveway Modification for Single Family Attached FCC 10-3-8



8-22-23



**Pine Crossing Subdivision 3D Simulation
Modified Driveways for Single Family Attached**

Design Review AR 23 13 DR 04
Request for Driveway Modification for Single Family Attached FCC 10-3-8





**Pine Crossing Subdivision 3D Simulation
Modified Driveways for Single Family Attached**

Design Review AR 23 13 DR 04

Request for Driveway Modification for Single Family Attached FCC 10-3-8



8-22-23



**Pine Crossing Subdivision 3D Simulation
Modified Driveways for Single Family Attached**

Design Review AR 23 13 DR 04

Request for Driveway Modification for Single Family Attached FCC 10-3-8





**Pine Crossing Subdivision 3D Simulation
Modified Driveways for Single Family Attached**

Design Review AR 23 13 DR 04

Request for Driveway Modification for Single Family Attached FCC 10-3-8



8-22-23



**Pine Crossing Subdivision 3D Simulation
Modified Driveways for Single Family Attached**

Design Review AR 23 13 DR 04

Request for Driveway Modification for Single Family Attached FCC 10-3-8



8-22-23



**Pine Crossing Subdivision 3D Simulation
Modified Driveways for Single Family Attached**

Design Review AR 23 13 DR 04
Request for Driveway Modification for Single Family Attached FCC 10-3-8





**Pine Crossing Subdivision 3D Simulation
Modified Driveways for Single Family Attached**

Design Review AR 23 13 DR 04
Request for Driveway Modification for Single Family Attached FCC 10-3-8





**Pine Crossing Subdivision 3D Simulation
Modified Driveways for Single Family Attached**

Design Review AR 23 13 DR 04
Request for Driveway Modification for Single Family Attached FCC 10-3-8





**Pine Crossing Subdivision 3D Simulation
Modified Driveways for Single Family Attached**

Design Review AR 23-13 DR 04

Request for Driveway Modification for Single Family Attached FCC 10-3-8





Pine Crossing Subdivision 3D Simulation
Modified Driveways for Single Family Attached

Design Review AR 23 13 DR 04

Request for Driveway Modification for Single Family Attached FCC 10-3-8



September 14, 2023

PINE CROSSING RESIDENTIAL SUBDIVISION Design Review/Variance

WRITTEN STATEMENT

In accordance with the Variance submittal requirements, this written statement describes the proposed development and demonstrates that the proposal complies with the criteria contained in Florence Code 10-5.

I. LAND USE REQUEST

A. Introduction

This application requests approval of a Variance for the proposed single-family attached units associated with a Tentative Subdivision and Design Review. The subdivision is for 46 lots, 36 lots for single-family attached units (for which this DR is being submitted), eight (8) lots for single-family units, and two (2) lots for the common open space area. This will require City of Florence approval of three land use applications – a Tentative Subdivision, Design Review, and Variance. Although relating to the same project, each of these has been submitted as a complete, stand-alone application including application form, written statement with findings demonstrating compliance with applicable criteria, exhibits, and plans. While each of these is to receive its own decision, to simplify and facilitate the overall process, the applications have been submitted together. It is intended that this concurrent submission will provide an opportunity for cross-referencing and parallel review which will assist the city in rendering decisions.

B. Project Directory

1. Owner / Applicant.
Pat Hammons
Coastal Development Partners, LLC
2824 N Power Rd, #113-278
Mesa, AZ 85215
Voice: 602-809-3212
Email: pbhtfg2@cox.net
2. Professional Design Team.
 - a. Planner
Dan Halverson
The Satre Group
375 West 4th Avenue, Suite 201
Eugene, OR 97401
Voice: 541-686-4540
Email: dan@satregroup.com
 - b. Landscape Architect/ Owner Representative
John Schmidt, ASLA
The Satre Group
375 West 4th Avenue, Suite 201
Eugene, OR 97401
Voice: 541-686-4540
Email: john@satregroup.com



PLANNERS + LANDSCAPE ARCHITECTS + ENVIRONMENTAL SPECIALISTS

375 West 4th, Suite 201, Eugene, OR 97401

Phone: 541.686.4540

www.satregroup.com

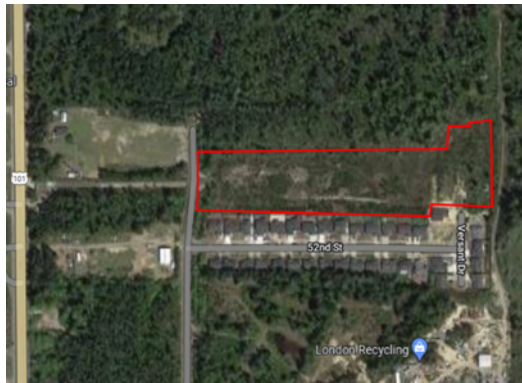
- c. Building Designer.
GER Drafting Services

2243 E. Claxton Street
Gilbert, AZ 85297
Voice: 480 988-2472
Email: houseplansinaweek@gmail.com
- d. Civil Engineer.
Nathan Patterson
Branch Engineering, Inc.
310 5th Street
Springfield, OR 97477
Voice: 541-746-0637
Email: NathanP@branchengineering.com
- e. Surveyor.
Dan Nelson, PLS
Branch Engineering, Inc.
310 5th Street
Springfield, OR 97477
Voice: 541-746-0637
Email: DanN@branchengineering.com

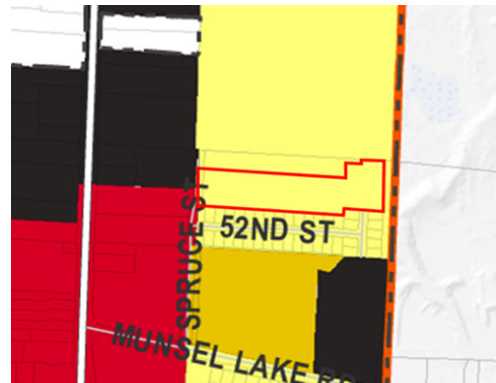
II. THE SITE AND EXISTING CONDITIONS

A. Development Site and Zoning

The site is located on the east side of Spruce Street, north of 52nd Street, and in the north part of the City of Florence. It is comprised of one tax lot (Map 18-12-14-20, Tax Lot 00203) and is approximately 7.61 acres in size. The site abuts vacant land to the north and east, residential to the south, and Commercial to the west; there is no applicable overlay zone.



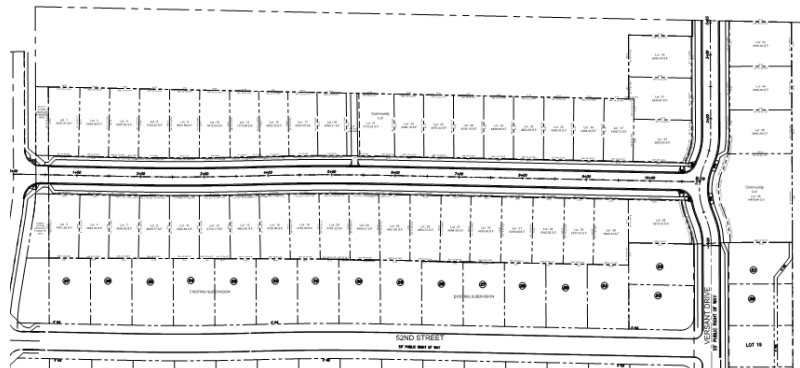
Subject Property
Regional Land Information Database (RLID) 2023



Excerpt
Florence Zoning Map 2023

B. Development Objective

The development objective is to subdivide the property into 46 lots, for the development of 36 attached single-family lots, eight (8) single family large lots, and two (2) open space community lots, along with all associated public improvements. All criteria and their associated findings with this application are addressed below.



III. **VARIANCE – APPROVAL CRITERIA AND FINDINGS**

This section is presented in the same order of applicable requirements found in Sections 10-5-1 to 10-5-7, Title 10 Variance Regulations for the City of Florence. Applicable sections of the Code are in *italics*, followed by proposed findings of facts in normal text.

10-5-4: APPROVAL CRITERIA:

A. *General: An application for an adjustment or variance must describe in detail:*

1. *The practical difficulties and physical hardships involved.*

Response: The applicant agrees with the staff option that going to Planning Commission for a modification (Variance) of the section 10-3-8 is the correct path. There are several reasons for this decision and as a part of the resubmittal, the applicant hopes to show staff and Planning Commission that the intent of the code is being met, while also showing how the code as written is complicated and vague in certain aspects.

Section 10-3-8-A-3 is for parking on attached units, two (2) or more. The issue arises here because there is “Single-Family Attached” (SFA) and “Duets”, which both allow two units to be attached on their own lots. The SFA units are allowed on smaller lots, because it is assumed these were to be “Row Houses” or “Townhomes”, which the narrow garage on a 25 foot to 35-foot width lot would make sense. This type of housing in other jurisdictions would require that no more than 50% of the frontage be driveway/garage. The type of housing being proposed here is more of an Attached Single-Family residence and not a row home or townhome, which are typically on narrow lots and have three (3) units or more attached.

There is no “hardship” but the “Practical difficulties” present include lot frontage, on-street parking, public safety, and design.

First, Lot frontage coverage. The last few years the State of Oregon has passed House Bill 2001 which mandates that certain large cities must allow different housing types, including duplexes, triplexes, fourplexes, etc. As part of the overhaul many of the city codes had to be rewritten. Regionally, the cities with “Attached Single-Family” units have codes that do not allow more than 50% of the frontage to be driveways and garages. This ensures that there will not be a swath of concrete down the entire street. The type of housing proposed here has an average lot size of 4,800 square feet with frontages averaging 48 feet wide, per side. With the narrowed 16 foot entry drive and front yard landscaping the average driveway width is approximately 33% of the frontage. This still allows 2/3rds of the lot for grass, entryways, and pedestrian interaction in the front yards.

Second, is on-street parking. The intention of the code is to not create a sea of driveways along the street, thus negating any on-street parking for guests and deliveries. The applicant is proposing units that are attached by the garages. The proposal still provides on-street parking, on the south side of the development, that will allow approximately 20 spaces along 53rd, the east, west street. There is plenty of separation in the driveways due to the lots being wider than the minimums. Again, rowhomes or townhomes would be on narrower lots and with a two-car garage the whole frontage would be dominated by the garage with no on-street parking.

Thirdly, is pedestrian safety. With rowhomes or townhomes, the lots are narrower and if a garage was located in the front the sidewalk would be crossing a large, continuous row of driveways. Our proposed design, with a setback sidewalk, as opposed to a curbside sidewalk, allows the pedestrian walkways to cross the driveways with good visibility for drivers as well as pedestrians. The driveways are also proposed at 16 feet at the sidewalk crossing which provides for a reduced width driveway with more sidewalk within the right-of-way. The setback sidewalk also creates a sidewalk that is not as tilted due to the fact it is not adjacent to the street.

Finally, the design aspect. As stated above the intent of Section 10-3-8-A-3, which limits the driveway and garages to 12 feet on single-family attached units is primarily driven by the reasons stated above. The design of rowhomes or townhomes is traditionally driven to put parking in the rear and have pedestrian gathering places in the front. The single-family attached unit that is proposed is a type of housing that falls in-between having several homes attached (townhomes) and single-family detached. The unit is single story, allows parking in the garages which are front loaded, with generous porches and includes pedestrian gathering spaces in the front yards. The garages do not dominate the frontage. These homes are in demand for the empty nesters who are downsizing, an ageing population who can no longer navigate stairs, or a potential starter home for new home buyers. The proposed design meets the intent of the section above but also allows flexibility for a new housing type that will assist with the housing shortage that is happening nationally. Constructing an attached single-family home with one car garage and driveway would look aesthetically out of place. It will create a hardship with small driveways separated by even shorter curb cuts, where no parking would fit. It is not feasible.

2. *Existing conditions on the site.*

Response: The site is a vacant lot. The neighboring subdivision to the south is typical single-family units with a two-car garages. We plan to fit in design wise with the neighborhood.

3. *Reasons for the proposed adjustment or variance being the most practicable solution to the problem.*

Response: The variance would allow a housing type that not just Florence, but many cities need. The solution fits with the neighboring established housing, will create slightly more housing, and preserve on-street parking, while also protecting pedestrians.

4. *A sight plan, drawn to scale, showing the dimensions and arrangement of the proposed development in comparison to the existing standard(s).*

Response: Submitted plans are with the DR application.

5. *Any other pertinent information requested by the Planning Director or Planning Commission.*

Response: There is no other criteria needed for the Variance but below is the findings for the Design Review. The design of the buildings is critical to the Variance.

IV. DESIGN REVIEW – APPROVAL CRITERIA AND FINDINGS

This section is presented in the same order of applicable requirements found in Sections 10-6-1 to 10-6-11, Title 10 Design Review Regulations for the City of Florence. Applicable sections of the Code are in *italics*, followed by proposed findings of facts in normal text.

10-6-3 *General Applicability.* (B) *The Planning Director or designee shall:*

1. *Unless otherwise directed by the underlying zoning district, review the following through a Type II process consistent with FCC 10-1-1-6-2 prior to issuance of a building permit:*
 - a. *Construction or expansion of a residential or mixed-use building that includes residential uses, but not limited to:*
 - i. *Single-family attached dwellings in the Medium Density Residential and Manufactured Home Park Districts.*

Finding: The project is proposing 36 attached single-family structures (18 buildings), which are attached at the garages, on property zoned Medium Density Residential.

10-6-5-2: GENERAL STANDARDS FOR RESIDENTIAL DEVELOPMENT: Residential projects and mixed-use buildings with a residential component shall meet the following standards. The Planning Director shall approve or approve with conditions the proposed development based on compliance with the following standards:

- A. *Setbacks, yards, height, density, lot area, dimensions, percentage of coverage, and similar design features according to the underlying zoning district.*

Finding: All lots and the units proposed meet or exceed the minimum setbacks, lot coverage, heights, lot area, and density. As part of the subdivision and this Design Review application a matrix is being submitted showing that all lots meet the lot dimensions, setbacks, lot coverage, and impervious lot coverages (see attachment 5A). According to Section 10-10-4 (E) the maximum density for the MDR zone is 12 units per acre and the proposed Pine Crossing development is 7.61 acres with 44 total units. This equates to approximately 5.78 units per acre, which is well below the maximum allowed. The proposed units are all one-story and are approximately 16-18 feet tall.

10-10-7: ATTACHED HOUSING - C. Approval Criteria.

1. *Construction Criteria:*

- a. *Maintenance easement: No building permit shall be issued for an attached development unless the applicant provides a copy of a recorded easement from the owner(s) of contiguous properties providing for reasonable ingress, egress, and use of such properties for the purpose of maintaining, repairing and replacing the premises. The easement shall be in a form approved by the City Attorney.*

Finding: The Single-Family attached units are connected at the garages. Each unit will be on its own lot and as such will not require an access easement. If an easement is required for the roofs or other maintenance areas that cannot be maintained without access to the neighboring unit's property, then an agreement shall be drawn up prior to building permits. The homeowners associations will identify and manage the maintenance of shared roofs and walls for all units.

- b. *Number of attached units allowed: No more than 4 consecutive units that share a common wall or walls, roof, or foundation are permitted. A set of 4 attached units is allowed to be adjacent to a separate set of 4 attached units.*

Finding: These are single-family attached units on their own lots. There are no more than two consecutive units that share a common wall.

2. *Dimensional Standards: In addition to the standards listed in 10-10-4, attached housing must meet the following:*

- a. *Interior side setback: Any exterior wall or portion thereof which faces but is not contiguous to an interior side lot line shall be setback a minimum of five feet. This standard shall also apply to accessory structures.*

Finding: All units have an interior side yard setback of at least 5 feet. See Matrix attachment 5A for each unit's setbacks.

3. *Open Space: Developments of four (4) or more units shall provide and maintain open space for the use of all occupants. Open space shall have the following characteristics:*

- a. *Not less than ten feet (10') in width or depth at any point.*
b. *Located on land with grade less than five percent (5%) slope.*
c. *Cleared sufficiently of trees, brush, and obstructions so that intended recreational use proposed is possible.*
d. *Not used for temporary or regular parking of automobiles or other vehicles.*

- e. *Includes at least one hundred (100) square feet of area for each dwelling unit. (Ord. 625, 6-30-80).*
- f. *Includes one or more of the following: indoor or outdoor recreation area, protection of sensitive lands (e.g., trees or bank vegetation preserved), play fields, outdoor playgrounds, outdoor sports courts, swimming pools, walking fitness courses, pedestrian amenities, or similar open space amenities for residents.*
- g. *Open space may be provided as private open space for single-family attached dwellings.*

Finding: There are 44 lots proposed, 36 attached units and 8 single family lots. The design review is for the attached units, as there are no structures proposed for the large detached single-family lots. Two open space community lots are proposed, one natural open space lot (primarily wetland) and one community lot with amenities. With 44 units, the open space would require 4,400 square feet at a minimum and the proposed community space lot is 7,315 square feet in size. This lot is larger than the 10 x 10 space required, there is less than 5% slope on the lot, it will be cleared for recreational use, and no parking of automobiles will be allowed on it. The community space is proposed with a sports court, playground, and benches for the residents.

4. Architectural Details

- a. *Approved exterior building wall materials:*
 - i. *Lap siding, board and batten siding, cottage style. Metal siding shall not be permitted.*

Finding: Siding variations are proposed on both the 3 bedroom and 4-bedroom units. There is also an option for a stone veneer wainscoting for all units. The architectural plans show a variety of select siding options and colors from a portion of the approved manufacturer color list.

- b. *Single-family attached and duet dwellings shall include an area of transition between the public realm of the right-of-way and the entry to the private dwelling with one of the following options:*
 - i. *A covered porch or patio of at least sixty square feet with a minimum depth of five feet (5') between the main entrance and the street.*
 - ii. *Uncovered stairs that lead to the front door or front porch of the dwelling. The stairs shall rise at least three feet (3'), and not more than six feet (6'), from grade.*

Finding: Both the three-bedroom and the four-bedroom models have an entryway porch that is larger than 60 square feet (approximately 114 sq ft). The depth is proposed at 6 feet deep, therefore exceeding the 5-foot minimum.

- 5. *Off-Street Parking: Attached Housing must meet all of the applicable standards outlined in Section 10-3 of this Title.*

Finding: Parking is discussed below in Section E. The units are proposing a two-car garage with each unit and an additional two spaces are provided in front of the garages.

- 6. *Fences: Attached Housing must meet all of the applicable standards outlined in Section 10- 34-5 of this Title.*

Finding: Fences are also discussed below in Section C. The attached units meet or exceed the applicable standards in Section 10-34-5. There are no fences proposed in the front yards and all fences in the side and rear yards are six feet or less in height. The fences will be constructed of wood or one of the other allowed materials listed in Section 10-34-5 (F) – Materials. Therefore, these criteria are met.

- B. *Design standards set forth in FCC 10-10 for the proposed residential type, if applicable, except buildings with residential uses in the Old Town or Main Street Districts shall meet Downtown*

Architectural Design Standards of 10-6-6 subsections: 3-C, 4 and 5 as implemented by the Comprehensive Plan, Multi-family dwellings and mixed-use buildings with a residential component located in any zone other than Old Town or Mainstreet Districts shall comply with the Multi-Family Dwelling Standards in FCC 10-10-9.

Finding: The applicable design standards in FCC 10-10 for the attached single-family units are discussed in detail above in the applicable design review sections. The proposed project is not located within the Old Town or Main Street districts. Therefore, this criterion is 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.*

Finding: Section 10-34-3-1 states that single-family and duplexes are exempt from these standards. With that said, the project meets or exceeds the landscape requirements. A Landscape plan has been submitted with this package (see sheet L5.0) and the plans show all fences, walls, and screening materials. Street trees and plantings as part of the stormwater facility are indicated within the planting plan. The planting plan also includes additional planting within the right of way to match the character of the stormwater planting creating a fully planting landscape strip along the east/ west roadway. Therefore, this criterion is 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.*

Finding: The site is not adjacent to Highway 101, a State Highway. The new public street, 53rd Street, is designed similar to the adjacent 52nd Street and connects Spruce Street to Verdant Avenue. All proposed driveways are designed to standards in FCC 10-35. All proposed driveways have more than the 25-foot distance separation from any intersection. All driveways are approximately 18 to 20 feet wide, and all driveway aprons will be designed per Section 10-35-2-12, therefore, this criterion is met.

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

Finding: Parking is set forth in FCC 10-3 and according to 10-3-1 (A) Single Family Attached requires two (2) spaces per unit. In short, each unit will be provided with two garage spaces and spaces in the driveway. The on-site circulation is handled with the newly proposed public street and meets or exceeds the criteria in FCC 10-3. Therefore, this criterion is met.

- F. *Exterior lighting according to the standards set forth in FCC 10-37 Lighting.*

Finding: There are three (3) streetlights proposed in the new street (53rd St.), one new light on Versant Drive, and three low wattage lights for the new community area pocket park. The new streetlights are proposed below the 20-foot standard per Section FCC 10-37-4-(C) using the Central Lincoln Peoples Utility District street light standard. The pocket park lighting will be shielded from the residences and will be less than the 20-foot height standard. See Section 10-37 below.

- G. *Provision of public facilities and infrastructure according to standards set forth in FCC 10-36 Public Facilities, or issuance of a performance bond or suitable substitute as agreed upon by the City has been filed with the City in an amount sufficient to assure the completion of all required public facilities and infrastructure.*

Finding: The public facilities plan will meet or exceed the standards in FCC 10-36. All plans will

be vetted by the City and conditioned to build or bond the infrastructure. All public infrastructure being proposed is discussed in the Tentative Subdivision application. The applicant is proposing 60 feet of right-of-way for the new street with setback sidewalks. This criterion is met.

IV. Conclusion

Based on the information and findings contained in this written statement, associated exhibits, and plan set, the proposed development meets the design review criteria of approval contained in the City of Florence Code. Therefore, the applicant requests that the City of Florence approve the proposal. The applicant and their representatives are available for questions. We look forward to working with staff to ensure this project meets the goals and objectives of the applicant and the City of Florence.

If you have any questions about this written statement, please do not hesitate to contact John Schmidt at (541) 686-4540 or email john@satregroup.com.

Sincerely,

A handwritten signature in black ink that reads "John Schmidt". The signature is written in a cursive style with a large initial "J" and "S".

John Schmidt, ASLA
The Satre Group

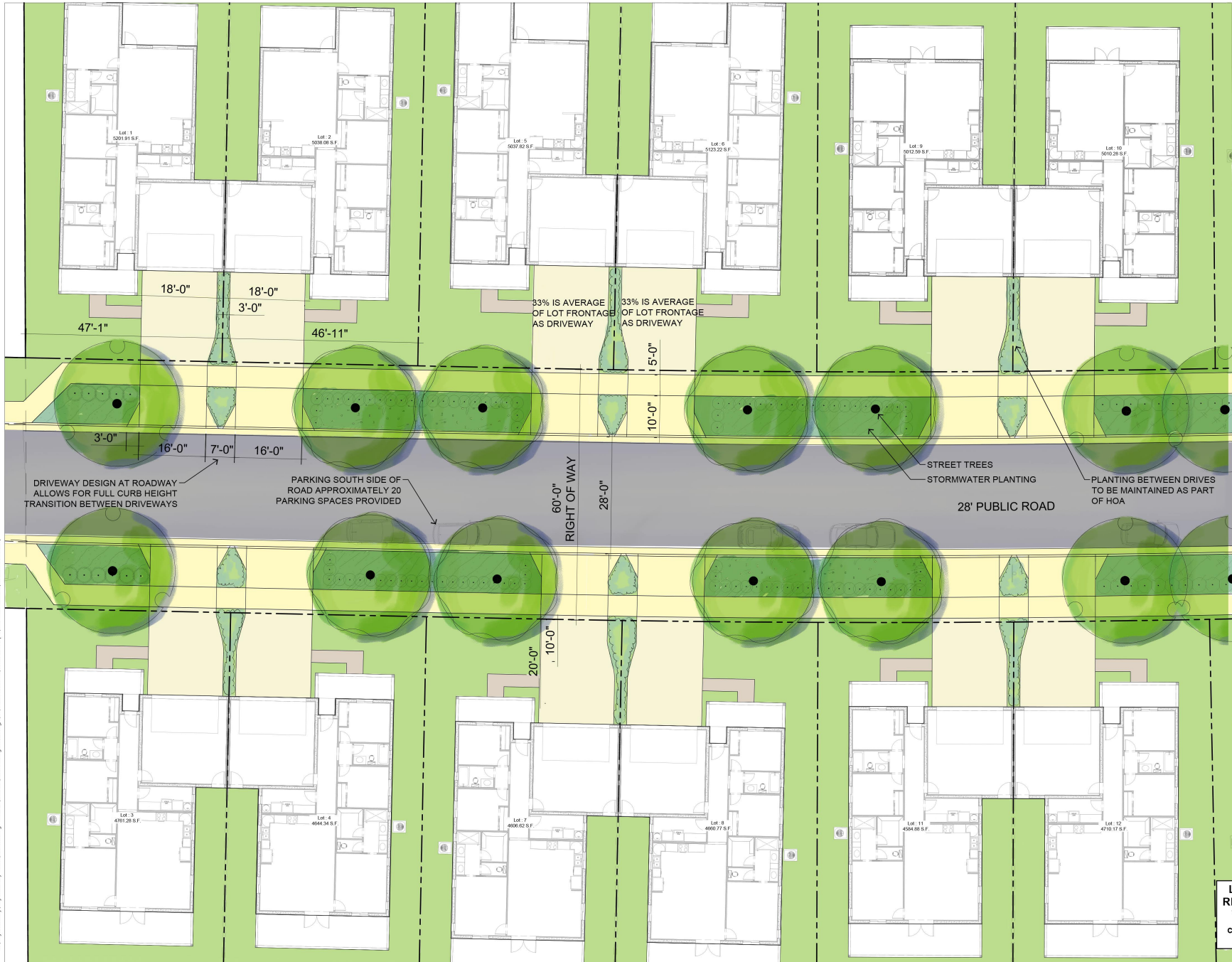


**Pine Crossing Subdivision 3D Simulation
Modified Driveways for Single Family Attached**

Design Review AR 23 13 DR 04
Request for Driveway Modification for Single Family Attached FCC 10-3-8



M:\Project Activity\Project Activity - 2023\Plan Covering - Florence\Site Plan\Plan Covering sheets.dwg, 10/12/2023, 5:00:35 PM, DWG, 19, 19D, pcd, ARCH, Full, 10.00 x 24.00 inches



LAND USE REVIEW IS NOT FOR CONSTRUCTION
8-2-23



THE SATRE GROUP 03 5261
Phone: 541.588.4540 Fax: 541.588.4577
www.satregrp.com
THE SATRE GROUP IS AN EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION EMPLOYER. MINORITY AND WOMEN OWNED AND OPERATED. WE ARE AN ISO 9001:2015 CERTIFIED COMPANY. WE ARE AN EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION EMPLOYER. WE ARE AN ISO 9001:2015 CERTIFIED COMPANY. WE ARE AN EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION EMPLOYER. WE ARE AN ISO 9001:2015 CERTIFIED COMPANY.

REGISTERED
873
JOHN C SCHMIDT
OREGON
10/18/2015
LANDSCAPE ARCHITECT

SITE PLAN INSET FOR DRIVEWAY MODIFICATION
PINE CROSSING
SPRICE STREET
FLORENCE, OREGON



Revisions	#	Date	Description

Project Number	2226
Drawn By	JCS
Checked	JCS
Date	08.02.23
Phase	FINAL SITE ELEVATION



EXHIBIT I

From: [Dan Yerigan](#)
To: [Planning Department](#)
Subject: Pine Crossing Land Use
Date: Monday, September 11, 2023 12:07:05 PM

Hello Planning Committee,

I'm aware of the old saying, 'you can't stop progress', and knew 53rd street might occur someday. I live on 52nd Street and back to this new planned phase.

This letter is to encourage teams involved during this process to save as many trees in and near the seven-foot easement*, and all locations where possible. It's good for the environment and will be good for families on both sides of the fence. The impact on the birds, rodents, and reptiles, etc. will be devastating. Having lived with them, backing to miles of pure forest to the north has been a blessing.

But I realize all good things must come to an end. The tranquility with sounds of birds chirping will soon be replaced by chainsaws, then the roar of heavy road equipment with their backup warning beeps, then the rata-tat-tat of nail guns for a couple years. I'm also aware of the old saying, 'there goes the neighborhood'. But it looks like it will be a nice development when finished.

I do like the name: Pine Crossing, so let's keep as many pines as possible.

Thank You,
Dan Yerigan

*I thought it was a 10' easement but couldn't find where I might have seen that in the Spruce Village documents.