

08 September, 2011

2820 Kingwood St. Florence, OR 97439  
Tax Lot Map# 18122242-1200, Lane County  
Zoning: PVBP  
Lot Size: 1.47AC  
64,039SF

**RE: Variance Application for Florence Dialysis LLC.**

**Preface:**

Florence Dialysis LLC. is an Oregon Limited Liability Company organized by six physicians whose primary partnership is a medical practice in the Eugene-Springfield area called Eugene Springfield Nephrology and Associates, PC. They are affiliated with Fresenius Medical Care, the largest dialysis provider in the world. The proposed development is a 6,175 square foot specialty medical clinic building, leased to Fresenius Medical Care in order to provide services to the residents in SW Oregon requiring dialysis treatment.

**Background:**

In response to Florence City Code 10-28-4(d)(3) which stipulates that Commercial or Industrial land uses within the Pacific View Business Park require a 20' buffer zone when abutting a residential district, this letter sets forth conditions and reasoning for granting a one-time relief variance.

After initial discussions (November 2010) with the City regarding potential development sites within the Pacific View Business Park, Lot #39 (2820 Kingwood St.) was selected by Florence Dialysis LLC. for the new treatment clinic. It was discussed and understood at that time that in addition to the standard PVBP setbacks, the site also had a 75' utility easement on the eastern side of the lot. During preliminary discussions, it was confirmed that while surface parking would be permitted within the 75' utility easement, building structures could not be located there. As part of the entitlement process, the Land Use Application was submitted to the City on May 27th, 2011, with a response from the City of Florence Community Development Department on June 15th, 2011. All issues were addressed at that point and the Land Use Application was re-submitted on August 9th, 2011. A response letter from the City, dated August 23rd, 2011, deemed the application complete and made note of minor notational corrections that could be addressed at the time Building Permits were filed. On August 30th, 2011, J,P:A received a phone call from the Community Development Department at which time we were informed of the implications of FCC 10-28-4(d)(3).

**Findings / Justifications:**

During the schematic design phase, a number of different site strategies were explored. Among the principal guidelines in informing these designs was the location and make-up of the 75' utility easement, the desire to preserve as much natural on-site vegetation as possible, and the Client's interest in maintaining an unencumbered area adjacent to the proposed building in case future growth necessitates a physical expansion. The finalized site plan as vetted by Client, Tenant, and City, balanced these needs by pushing parking and vehicle circulation to the north and east sides of the property, allowing a centrally located building structure and adjacent preserved area for potential expansion.

Multiple site visits during the initial design phases reinforced the logic of locating parking within the utility easement. Current conditions within this easement (note photograph Exhibits B-D) show an access corridor comprising of disturbed, ungraded soil, cleared existing vegetation and an overgrown rock gravel vehicle path. Per good construction practice and site strategy, it was reasoned that in grading this area for

anticipated parking, salvageable top soil would be reused for backfill and grading where needed elsewhere on the site. An access lane for utility line service would be maintained.

The Land Use transition happens along the east property line and the required buffer is in direct conflict with the current parking design. The abutting property in question (TL 18122200-300), while zoned for Multi-Family Residential, is currently the site of Siuslaw High School, a Conditionally Permitted Use per FCC 10-13-3. The closest identifiable use of land along the property line is a track field, located approximately 30' east of the line. Current conditions (note photograph Exhibit E) show the property line on the high school side to be primarily vegetated with natural shore pines, salal, evergreen huckleberries, and rhododendron plants. It is understood at this time that there are no intentions for the school to change location, change use, or redevelop its property.

In accordance with FCC 10-34-2-2, 3 large areas within the interior of the site have been identified and marked as preserved natural vegetation. This preferred site strategy inherently depends on being able to place hard-surfaced parking within the utility easement, where there is currently no preservable vegetation. Doing so would maximize the quantity and quality of preserved native plants where they do occur.

After being informed of FCC 10-28-4(d)(3), J.P:A looked at the possibilities to relocate parking out of the required 20' buffer and push it into the vegetated area currently being preserved for future expansion options. Per FCC10-3-4 (Table 10-3-1(b) the Medical Clinic use requires a minimum of 1 parking space per 200 SF. With a required minimum of 30.9, and the Client's wish to exceed the base number of spots, these alternate configurations were deemed too restrictive and limiting. A single loaded drive aisle does not provide enough parking spaces, and a double loaded aisle impacts the preserved area too much to be acceptable.

Per these outlined issues we are currently seeking a variance from the required Land Use buffer. The intention of FCC 10-34-3-7(d) (for which FCC 10-28-4(d)(3) is based on) is to provide a visual screen and transitional buffer between disparate land uses. We feel that a suitable compromise can be made for this project, based on our updated site and landscape plan. In addition to maintaining large areas of native vegetation on site (an encouraged practice per FCC 10-34-2-2), we are proposing a vegetated 5' buffer along the entire east property line, to be planted primarily with native trees and shrubs. This buffer would complement and mirror in part the existing condition on the abutting school property. If the Planning Commission prefers, in addition or as an alternative, a fence could be added to reinforce the transition.

We believe that this project is otherwise in general conformity with the Florence City Code and with the public necessity, convenience, general welfare and good zoning practices embodied within. As a long term goal for this site is to maintain the ability to expand the building if tenant or use dictates, any significant change in parking and circulation design imperils our ability to keep said option viable. At this stage in the development, the various design groups are formalizing their final documentation prior to submission for building permits. Many people have expended resources of both time and money to bring this project forward to this point. Out of interest in seeing this development come to fruition, we ask the Planning Commission to grant a variance in respect to FCC 10-28-4(d)(3).

We look forward to completing what we expect to be an exciting project.

Sincerely,  
**Jones, Partners: Architecture**

Steven Purvis  
Project Designer / Owner's Representative

## **V. Project Description**

**Proposal: \*Attach additional sheets if necessary (double sided copies please). Describe the project in detail, what is being proposed, size, objectives, what is desired by the project.**

Florence Dialysis LLC. is an Oregon Limited Liability Company organized by six physicians whose primary partnership is a medical practice in the Eugene-Springfield area called Eugene Springfield Nephrology and Associates, PC. They are affiliated with Fresenius Medical Care, the largest dialysis provider in the world. The proposed development is a 6,175 square foot specialty medical clinic building, leased to Fresenius Medical Care in order to provide services to the residents in SW Oregon requiring dialysis treatment. Since peritoneal dialysis is a primarily a home based therapy this facility will provide education and monitoring services to these patients.

The facility will be open six days a week, Monday through Saturday, when we have enough patients to begin full scale operation. Nurses and technicians generally arrive at the facility at 6:30 AM and finish their work at 10:00 PM, and patients will be arriving and departing throughout the day. Dialysis treatment sessions are usually divided into morning, afternoon, and evening shifts. The facility will not be fully utilized until we have about 40 in center patients which could take up to four years to achieve. Construction will begin as soon as the approval and permits are issued.

Lot 39 is undeveloped land consisting of an understory of evergreen huckleberry, salal, and rhododendron with moderate tree cover consisting primarily of shore pine with some Western Red Cedar and fir trees. North of the subject property is a series of undeveloped lots adjacent to the planned Ling Cod roadway. A power substation is also included north of the property. East of the property is a school and the playing fields are adjacent to the property line. South of the property is an existing dental clinic. Across the street to the west is a mortuary.

In addition to the main building and parking, an enclosure will be needed for disposal containers for normal refuse. Special disposal of medical waste and sharps will be needed as well. Because no other dialysis facility will be located in the near vicinity, a generator will be needed with security enclosure. Because hemodialysis is a water based therapy the facility will require a 2 inch water line. No other special needs are anticipated.

In response to Florence City Code 10-28-4(d)(3) which stipulates that Commercial or Industrial land uses within the Pacific View Business Park require a 20' buffer zone when abutting a residential district, the points below set forth conditions and reasoning for granting a one-time relief variance.

**Please explain the variance request:**

**What are the practical difficulties and physical hardships involved?**

After initial discussions (November 2010) with the City regarding potential development sites within the Pacific View Business Park, Lot #39 (2820 Kingwood St.) was selected by Florence Dialysis LLC. for the new treatment clinic. It was discussed and understood at that time that in addition to the standard PVBP setbacks, the site also had a 75' utility easement on the eastern side of the lot. During preliminary discussions, it was confirmed that while surface parking would be permitted within the 75' utility easement, building structures could not be located there. As part of the entitlement process, the Land Use Application was submitted to the City on May 27th, 2011, with a response from the City of Florence Community Development Department on June 15th, 2011. All issues were addressed at that point and the Land Use Application was re-submitted on August 9th, 2011. A response letter from the City, dated August 23rd, 2011, deemed the application complete and made note of minor notational corrections that could be addressed at the time Building Permits were filed. On August 30th, 2011, J,P:A received a phone call from the Community Development Department at which time we were informed of the implications of FCC 10-28-4(d)(3).

During the schematic design phase, a number of different site strategies were explored. Among the

principal guidelines in informing these designs was the location and make-up of the 75' utility easement, the desire to preserve as much natural on-site vegetation as possible, and the Client's interest in maintaining an unencumbered area adjacent to the proposed building in case future growth necessitates a physical expansion. The finalized site plan as vetted by Client, Tenant, and City, balanced these needs by pushing parking and vehicle circulation to the north and east sides of the property, allowing a centrally located building structure and adjacent preserved area for potential expansion.

**Please explain the reasons for a variance being the most practicable solution to the problem:**

After being informed of FCC 10-28-4(d)(3), J,P:A looked at the possibilities to relocate parking out of the required 20' buffer and push it into the vegetated area currently being preserved for future expansion options. Per FCC10-3-4 (Table 10-3-1(b) the Medical Clinic use requires a minimum of 1 parking space per 200 SF. With a required minimum of 30.9, and the Client's wish to exceed the base number of spots, these alternate configurations were deemed too restrictive and limiting. A single loaded drive aisle does not provide enough parking spaces, and a double loaded aisle impacts the preserved area too much to be acceptable. The vehicle and pedestrian circulation within the site have already been designed to a specified balance and at this time seeking a variance to the required Land Use transition buffer is the most practical solution.

**VI. Criteria (FCC 10-5-4)**

**The Planning Commission may grant a variance to a regulation prescribed by this Title if, on the basis of the petition, investigation and evidence submitted. Please explain how you meet the criteria (A-D listed below) Attach additional sheets if necessary**

**A. 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.**

As stated above, a literal interpretation of the Land Use transitional buffer does not allow the building (as required to be designed and sited per Client, Tenant, and City) to have enough parking, proper circulation, and open preserved area. The parking layout works as is currently shown and designed only because it is abutting the east property line.

**B. 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**

**C. 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, and**

The 75' utility easement embodies an extraordinary circumstance and puts significant limitations on the manner of developing Lot #39. The composition of site conditions as a result of the overhead electric line have also created undesirable landforms and an undergrowth of invasive weeds. As logic and best design practice dictates, it makes sense to work within the easement as allowed by the governing Utility. (note photograph Exhibit B-D)

**D. 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.**

The intention of FCC 10-34-3-7(d) (for which FCC 10-28-4(d)(3) is based on) is to provide a visual screen and transitional buffer between disparate land uses. We feel that a suitable compromise can be made for this project, based on our updated site and landscape plan. In addition to maintaining large areas of native vegetation on site (an encouraged practice per FCC 10-34-2-2), we are proposing a vegetated 5' buffer along the entire east property line, to be planted primarily with native trees and shrubs.

We believe that this project is otherwise in general conformity with the Florence City Code and with the public necessity, convenience, general welfare and good zoning practices embodied within. Reducing the required buffer from 20' to 5' brings the project back in line with the normally required setbacks for the PVBP and will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.





2820 KINGWOOD ST. FLORENCE, OR  
97439

**SITE AERIAL**  
EXHIBIT A

EXISTING VEGETATED BUFFER  
ON SHS PROPERTY

APX. CL OF UTILITY EASEMENT

APX. PL OF LOT #39





2820 KINGWOOD ST. FLORENCE, OR  
97439

## VIEW ALONG UTILITY EASEMENT – NORTH

EXHIBIT B





2820 KINGWOOD ST. FLORENCE, OR  
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## VEGETATION AT EAST PROPERTY LINE – SHS PROPERTY

EXHIBIT C





2820 KINGWOOD ST. FLORENCE, OR  
97439

## VIEW ALONG UTILITY EASEMENT – SOUTH

EXHIBIT D





2820 KINGWOOD ST. FLORENCE, OR  
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## VIEW FROM SHS PROPERTY – WEST

EXHIBIT D