

**City of Florence  
Planning Commission Meeting  
250 Hwy 101, Florence, OR 97439  
November 12, 2019**

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**CALL TO ORDER - ROLL CALL - PLEDGE OF ALLEGIANCE**

Meeting called to order at 5:30 p.m.

Commissioners Present: Commissioner Brian Jagoe, Commissioner Andrew Miller, Commissioner Ron Miller, Commissioner Phil Tarvin, Chairperson John Murphey, Vice Chair Sandra Young, Commissioner Eric Hauptman,

Commissioners Absent: None

Staff Present: Planning Director Wendy FarleyCampbell, Contract Planner Hailey Sheldon, Community & Economic Development Assistant Sarah Moehrke

Acknowledgement: Chairperson John Murphey recognized Assistant Planner Dylan Huber-Heidorn on recent APA Certification

**1. APPROVAL OF THE AGENDA**

Start Time: 5:31 p.m.  
Action: Approve agenda as presented.  
Motion: Commissioner Ron Miller  
Second: Vice Chair Sandra Young  
Vote: Unanimous

**2. APPROVAL OF THE MINUTES – June 25, 2019 & July 9, 2019**

Start Time: 5:31 p.m.  
Action: Approve agenda as presented.  
Motion: Commissioner Eric Hauptman  
Second: Commissioner Ron Miller  
Vote: Unanimous

**3. PUBLIC COMMENT**

This is an opportunity for members of the audience to bring to the Council's attention any item not otherwise listed on the Agenda. Comments will be limited to three (3) minutes per person, with a maximum time of 15 minutes for all items. Speakers may not yield their time to others.

Start Time: 5:32 p.m.

Commenter: None

**4. RESOLUTION PC 19 17 PUD 02 – Oak Street Commons Final Development Plan for Planned Unit Development (PUD)  
RESOLUTION PC 19 16 SUB 02 – Oak Street Commons Final Subdivision (SUB) Plat**

An application for a Final Subdivision (SUB) Plat and Final Plan for Planned Unit Development (PUD) for the property located at Assessor’s Map 18-12-23-23, Tax Lots 02200 & 02800, south of 32<sup>nd</sup> Street between Oak Street and Highway 101. Proposed development is located in the Multiple Family Residential District regulated by Florence City Code Title 10, Chapter 13 and the Highway District regulated by Florence City Code Title 10, Chapter 16. Applicant received Tentative Subdivision approval and Preliminary PUD on May 28, 2019.

Open:	5:37 p.m.	Reopened:	6:23 p.m.
Closed	6:16 p.m.	Closed:	6:37 p.m.
Applicant:	Dave Bielenberg		
Discussion:	As Follows		

No Commissioner declared a conflict of interest, ex parte contact, or bias. There were no challenges.

Contract Planner Hailey Sheldon delivered a staff presentation on the proposed final development plan for PUD and final SUB. The presentation included the updated site plan with modified parking plan, Condition 6.9 regarding 32<sup>nd</sup> Street fence and diamond block details, the recommended removal of Condition 6.11, and details of the southern alleyway encroachment (see attachments).

**Discussion:**

- Discussion regarding the location of one access gate from 32<sup>nd</sup> Street
- Discussion of Condition 6.9 regarding reference to Condition 5.6
- Discussion regarding the recommendation and specification of fence material, height, and exact location.

**Applicant:**

Mr. Dave Bielenberg, Property Owner & Mr. Mike Johnson, William Johnson Construction

- Mr. Johnson said they did not have a presentation however, would answer questions. He stated they had read the staff report and agreed with the conditions of approval.

**Opponent:**

Daniel Smyth, Property Owner/Resident @ 31<sup>st</sup> Street

- Mr. Smyth referenced FCC Title 10, Chapter 8 – Nonconforming Lots and Uses and requested a consideration of a variance to accommodate the pre-existing foundation and water heater access at the alleyway location and that a fence be installed along the alley for privacy. He continued and requested that the access from Oak Street become a one way on to 32<sup>nd</sup> Street.

**Applicant Rebuttal:**

Mr. Dave Bielenberg, Property Owner & Mike Johnson, William Johnson Construction

- Commissioner Tarvin requested clarification regarding possible impact of the development from the current encroachment and Mr. Johnson indicated the water heater access of the encroachment was the only objectional aspect to the development.
- Discussion regarding the clarification of direction and grade to the west of the storm water swale on the south end of the property. Staff clarified that overflow would be directed west to Oak Street.

- Discussion of removal or modification of condition 6.11 regarding curb cut

**Staff Recommendation:** Staff recommended approval of the applications with conditions of approval.

**Commission Deliberation:** It was decided to reopen @ 6:23 p.m. for further questions and discussion regarding the following:

- Encroachment of the water heater structure and options for a solution to the access issues.
- Type of curb cut recommendation in relationship to the graded drain to the east and to ensure it be ADA compliant
- Clarification of fence material, height, and location in relationship to the diamond block.

**Applicant:** Mr. Mike Johnson

- Applicant was asked when the encroachment had been determined and Mr. Johnson responded it was during the initial survey.
- It was agreed to have Staff determine the type of curb to include bicycle and pedestrian access.
- There was lengthy discussion regarding the fence height and materials and Mr. Johnson clarified that there was a 2-foot retaining wall, the design of the east wall at 6 feet was to hold the sand in, and the design of the north retaining wall at 8 feet was to keep the sand from coming in.
- Mr. Johnson stated that the foot print of the water heater structure should be ok if the access point could be relocated. He also stated that a 6-foot fence would be installed on the south end of the property for screening.
- Mr. Wobbe pointed out that the original approval, Condition #8.6 was intended for a possible future pedestrian thruway and not intended for a bike path. He continued that state law prohibited any modifications of previously approved conditions.
- Hearing was closed @ 6:37 p.m. for deliberation

**Commission Deliberation:** There was discussion regarding the modifications of previously approved conditions and PD FarleyCampbell stated that the street vacation approval included an easement for the path that could be used by pedestrians or bicycles.

- There was Commission agreement that wood materials could be allowed for the fence, 8-foot fence requirement for the 32<sup>nd</sup> Street, and a minimum of 6-foot requirement for all other fencing to include the south end of the property. It was also agreed that staff and the applicant would determine the specific grading requirements and pedestrian access along Pine Street.

**Action:** Approval of the application with conditions of approval stated above.

**Motion:** Commissioner Brian Jagoe  
**Second:** Commissioner Ron Miller  
**Roll Call Vote:** Unanimous Approval



Discussion: Vacant Planner position posted  
Clearing between Oak & Highway 101, north of 38<sup>th</sup> Loop

**8. PLANNING COMMISSION CALENDAR**

Discussion: CC/PC Joint Hearing, November 18, 2019 @ FEC  
Cluster Development & Conditional Use Permit for SFR, November 26, 2019  
Partition & Bay Street Infill, Tentative December 10, 2019

Meeting adjourned at 7:16 p.m.

**ATTEST:**

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John Murphey, Chairperson  
Planning Commission

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Vevie McPherran, Administrative Assistant



# Oak Commons

Final Subdivision Plat and Planned Unit Development Plan  
Review for 16-Unit Townhome Development

**PC 19 16 SUB 02**  
**PC 19 17 PUD 02:**



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## Final Subdivision Plat and PUD Review Criteria

**Applicable Review Criteria:**

Florence City Code Title 11:  
Chapter 4, Zoning Administration, Sections 1 through 8  
Chapter 5, Platting and Mapping Standards, Section 5

Florence City Code Title 10:  
Chapter 23, Planned Unit Developments, Section 11

Conditions of Approval for Resolutions PC 19 02 PUD 01  
and PC 19 04 SUB 01

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## Introduction

- **Jan. 24, 2019** – Vacation Petition for Pine St. rcv'd.
- **April 1, 2019** – Vacation approved by City Council.
- **March 5, 2019** – Application for tentative subdivision, preliminary PUD, and design review received.
- **April 5, 2019** – Application deemed complete.
- **April 2, 2019** – Application for vegetation clearing permit received.
- **April 16, 2019** – Approval for vegetation clearing permit issued.
- **May 31, 2019** – Resolution approving tentative subdivision, preliminary PUD, and design review signed.
- **June 11, 2019** – Building permits granted for first 4 townhomes.
- **September 6, 2019** – Application for final subdivision and PUD received.
- **October 15, 2019** – Application deemed complete.

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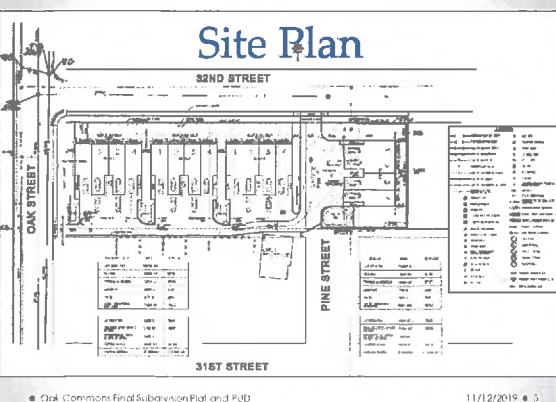
## Aerial of Site



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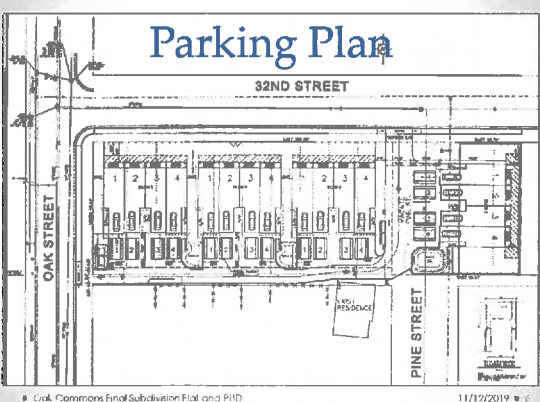
## Site Plan



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## Parking Plan



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## Conditions of Approval

**5.** The applicant shall demonstrate that a noise abatement strategy will be incorporated into the building design which will achieve an indoor noise level that is less than or equal to 55 dnl. Where fencing is used, it shall meet (a) noise abatement, (b) landscaping, and (c) access requirements. Adherence to these standards shall be evaluated and approved prior to the issuance of any relevant building permit.

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## Conditions of Approval

**6. Landscaping Requirements**

**6.1.** The applicant shall submit a listing of plant species to be planted prior to issuance of Certificate of Occupancy.

**6.2.** Plant materials shall cover a minimum of 70 percent of the required landscaping areas within 5 years of planting.

**6.3.** Plant materials shall be planted utilizing a pocket-planting method with a soil-compost blend around all trees and shrubs to ensure healthy growth.

**6.4.** The applicant shall remove all noxious weeds from the site during site development and shall not permit the planting or growth of invasive species or noxious weeds.

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## Conditions of Approval

**6. Landscaping Requirements (cont...)**

**6.5.** The applicant shall supplement their landscaping plan with the number of and container volumes for "small" shrubs and ground cover plants.

**6.6.** Non-plant ground covers shall be confined by edging 4-inches above grade or recessed from grade.

**6.7.** The applicant shall provide permanent, underground irrigation for all landscaping or temporary irrigation for drought-tolerant plants for plant establishment.

**6.8.** The applicant shall indicate on revised landscaping materials and install a 6" curb along all landscaped areas where a parking/maneuvering area is adjacent to a building.

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## Conditions of Approval

**6. Landscaping Requirements (cont...)**

**6.9.** The requested exception for an 8' wood fence along the north side of the development is granted. All fencing over seven feet in height will require a building permit. Staff recommends the construction of an 8-foot masonry wall to better protect and insulate from sounds. Staff also recommends the layered planting of trees and shrubs which will grow to thicker densities and various heights. See also findings pertaining to 5.6, above. In addition to the requirements of FCC 10-35 (Landscaping), both noise abatement and access (particularly emergency access) shall be considered and met prior to granting building permits for these proposed fences.

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## Conditions of Approval

**6. Landscaping Requirements (cont...)**

**6.10.** The applicant shall supplement planned landscaping with broadleaf evergreen shrubs and trees within the 32nd Street right-of-way, remove kinnikinnick and replace with lawn.

**6.11.** On the 6' curb extending from Swale D, west across the vacated portion of Pine Street: the applicant shall install a pedestrian / bicycle access point, which will allow for pedestrian and bicycle traffic from the vacated portion of Pine Street, south on to the non-vacated portion of Pine Street.

**6.12.** The applicant shall demonstrate when applying for building permits relating to landscaping, that the overall quantity of landscaping required for the Planned Unit Development will be met.

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## Conditions of Approval

**7. Access Requirements**

**7.1.** The applicant shall follow the Manual on Uniform Traffic Control Devices in the provision of one-way signs, a fire lane, and other appropriate signage and pavement markings. These shall be installed prior to the issuance of Certificate of Occupancy for the first townhome building.

**7.2.** The applicant shall provide and maintain appropriate vertical and vision clearance for safe access to and from the site at all times.

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## Conditions of Approval

**7. Access Requirements (cont...)**

**7.3.** Because of the limited amount of parking available within the development, the fencing proposed, the long distances proposed between driveway curb-cut access to the site, and the need for possible emergency services access at greater than two points of entry into the development, the applicant shall provide gate access(es) through the 32nd Street fence, behind Buildings 1, 2 and 3. This through-gate (or through-gates) shall be available to residents and guests who may need access to on-street vehicular parking or pedestrian facilities within the 32nd Street right-of-way, and provide safe, direct, and usable access to the residences in the development.

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## Conditions of Approval

**7. Access Requirements (cont...)**

**7.4.** The applicant shall provide common mailboxes (Centralized Box Unit) location(s) in a location approved by the local Postmaster.

**7.5.** Per Resolution No. 16, Series 1999, the applicant shall install street lights at each entrance and exit to the PUD. The applicant shall be responsible for installation of said street lights.

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## Conditions of Approval

**8. Lighting Requirements**

**8.1.** The applicant shall submit, with building permit plan sets, photometric plans and lighting cutsheets for review by the Planning Department.

**8.2.** The applicant shall install lighting fixtures at a height equal to or less than 20' which are either full cut-off or shielded to direct all light emissions downward and below the horizontal plane and prevent illumination or glare skyward or onto adjacent or nearby properties.

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## Conditions of Approval

**9.** No encroachments by the developer in to the public right-of-ways shall be permitted. Stormwater swales may not encroach in to the alley dedication.

**10.** Final construction plans and utility facility specifications are required to be submitted for City review and approval prior to commencing construction. Stamped approval will be shown on the utility plans.

**11.** A performance agreement (bond) or suitable substitute as agreed upon by the City and applicant should be filed with the Finance Officer in a sufficient amount of time to insure the completion of all required improvements.

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## Alternatives

1. Approve the applications;
2. Deny the application;
3. Modify the findings, reasons, or conditions and approve the request as modified;
4. Continue the Public Hearing to a date certain if requested or if more information is needed.

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## Questions?

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# OAK STREET LEMHOUSE SFR CUP



PC 19 18 CUP 06  
November 12, 2019

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## CRITERIA


Criteria applying to this matter for the application include:

*Florence City Code, Title 10:*

- Chapter 1: Zoning Administration, Section 1-4-3
- Chapter 3: Off-Street Parking and Loading, Sections 2 through 4 and 8
- Chapter 4: Conditional Uses, Sections 3 and 5 through 11
- Chapter 13: Multi-Family Residential Districts, Sections 3, 4-C-1, 4-D-1, and 5-A-1
- Chapter 35: Access and Circulation, Sections 2 and 3
- Chapter 36: Public Facilities, Section 2
- Chapter 37: Lighting, Sections 2 through 5

*Florence Comprehensive Plan*

- Chapter 2: Land Use Residential Policies 7,8 and 10 & Recommendation 2
- Chapter 12: Transportation Policy 12




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## INTRODUCTION


The Applicant has proposed a single-family home at 3355 Oak Street with a 1,760 square foot stick-built home with an attached garage.

- March 2019 – Property purchased by Lemhouse family
- September 18, 2019 – Application received for new SFR
- October 15, 2019 – Application deemed complete by City Staff



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## AERIAL OF SITE



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## SITE PLAN




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## TESTIMONY

**No Referral Comments Received**

**Public Testimony Received:**


- *Ivy Medow* – Ms. Medow was concerned about tree preservation on the property, she also mentioned that she thinks that the property should be used for a duplex, not just for a single-family home.



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**STAFF RECOMMENDATION**

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



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**CONDITIONS OF APPROVAL**

**4. Parking Conditions**

- Cannot be eliminated for storage / future living spaces
- Must create two parking spaces in the garage
- Must be surfaced with permitted materials
- Garage must have interior dimensions of 19 feet wide by 19 feet long.

**5. Conditional Use Conditions**

- CUP void after one year if building permit is not issued
- CUP void if house is demolished/removed and not reconstructed within 12 months
- Property buffer – condition proposed to be removed
- No backout driveway
- No tree removal before building permit issued
- Erosion prevention and sediment control requirements



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**CONDITIONS OF APPROVAL  
CONTINUED...**

**6. Multi-Family Residential District (RM)**

- The dwelling cannot be higher than 28 feet tall.

**7. Access & Circulation**

- Driveway approach and grade must be approved by the Public Works Director
- Driveway apron must be approved by the Public Works Director before
- 10-foot vision clearance on either side of driveway
- Maintaining sidewalks that are **currently** in place in front of property



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**CONDITIONS OF APPROVAL  
CONTINUED...**

**8. Public Facilities**

- Check with Public Works Director if the current curb exposure meets City standards and specifications

**9. Lighting**

- Provide a lighting plan with building permit applications
- Ensure dark sky provisions are met

**10. Comprehensive Plan**


- No Backout Driveway



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**ALTERNATIVES**

1. Approve the application with the conditions of approval as proposed;
2. **Modify the findings, reasons, or conditions and approve the proposal**
3. Deny the application; or
4. Continue the Public Hearing to a date certain if more information is needed.



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**STAFF RECOMMENDED  
MODIFIED CONDITIONS**

**Modify:**

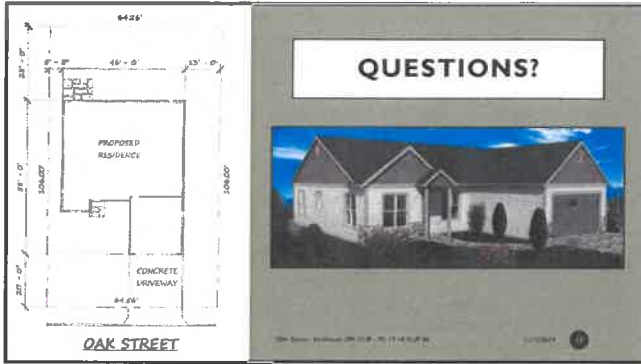
- 5.1 Authorization of a conditional use permit shall be void one (1) year after the date of approval, November 12, 2020, unless a building permit has been issued and substantial construction pursuant thereto has taken place.

**Remove:**

- 5.3 Applicant must create a 15' buffer with a 6' solid wood or block wall or a 35' landscaped buffer on the south side of the property.



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