

CITY OF FLORENCE PLANNING COMMISSION
January 24, 2017 MEETING MINUTES ****

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE

Chairperson Muilenburg called the meeting to order at 7:00 p.m. Roll call: Chairperson Curt Muilenburg, Vice Chair John Murphey, Commissioner Clarence Lysdale, Commissioner Michael Titmus and Commissioner Robert Bare were present. Commissioner Miller was absent and excused. Also present: Planning Director Wendy FarleyCampbell, Associate Planner Glen Southerland and Admin Assistant Vevie McPherran.

APPROVAL OF AGENDA

Commissioner Bare motioned to approve the Agenda. Vice Chair Murphey seconded. By voice, all ayes. The motion passed.

APPROVAL OF MINUTES

Vice Chair Murphey motioned to approve the minutes of January 10, 2017. Commissioner Bare seconded. By voice, all ayes. The motion passed.

PUBLIC COMMENTS

*This is an opportunity for members of the audience to bring to the Planning Commission's attention any items **NOT** otherwise listed on the agenda. Comments will be limited to **three minutes per person**, with a maximum time of 15 minutes for all items.*

There were no public comments.

PUBLIC HEARING

Chairperson Muilenburg announced there were three public hearings before the Planning Commission that evening. The hearing would be held in accordance with the land use procedures required by the City in Florence City Code Title 2 Chapter 10 and the State of Oregon. Prior to the hearing(s) tonight, staff will identify the applicable substantive criteria which have also been listed in the staff report. These are the criteria the Planning Commission must use in making its decision. All testimony and evidence must be directed toward these criteria or other criteria in the Plan or Land Use Regulations which you believe applies to the decision per ORS 197.763 (5). Failure to raise an issue accompanied by statements or evidence sufficient to afford the Planning Commission and parties involved an opportunity to respond to the issue may preclude an appeal of this decision based on that issue. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval without sufficient specificity to allow the Planning Commission to respond to the issue that precludes an action for damages in circuit court. Any proponent, opponent, or other party interested in a land use matter to be heard by the Planning Commission may challenge the qualifications of any Commissioner to participate in such hearing and decision. Such challenge must state facts relied upon by the party relating to a Commissioner's bias, prejudgment, personal interest, or other facts from which the party has concluded that the Commissioner will not make a decision in an impartial manner.

PC 16 11 DR 03 – Dairy Queen Remodel: An application from Ken Sanders, representing Landon FDQ, requesting Design Review approval to remodel and update the appearance of the existing Dairy Queen building to include reframing and adding stone work to the entryway, over the existing front and drive-thru and replacing of the awning and roof. The proposed site is located on the west side of Highway 101 at 125 Highway 101. Map #18-12-34-11, Tax Lot 10800. The building is in the Mainstreet Area "A" zoning district, regulated by Florence City Code Title 10 Chapter 27.

Chairperson Muilenburg opened the public hearing at 7:03 p.m. He asked if any of the Planning Commissioners wished to declare any conflicts of interest, ex parte contacts, site visits, or bias. There were no challenges of Commissioners' impartiality to make decisions. CP Muilenburg asked for the Staff report.

AP Southerland presented the staff report (attached) and found the proposed application met the applicable criteria of City Code and Florence Realization 2020 Plan and recommended approval with the outlined conditions of approval. He presented the alternatives and asked for questions.

There was discussion regarding the blue LED lighting, the final site plan and brief discussion regarding the building's flight path location and the options that could be put in place to prevent glare.

Applicant – Ken Sanders – 05829 Mercer Creek Drive – Florence, OR

Mr. Sanders stated he had no presentation but was prepared to answer questions.

CP Muilenburg asked if there were any proponents, opponents or neutral parties. There were none. AP Southerland stated that Staff recommended approval with the conditions outlined. CP Muilenburg asked the Applicant if he understood and agreed to the conditions of approval and the applicant replied they did.

Chairperson Muilenburg closed the public hearing at 7:20 p.m.

Commissioner Bare motioned to approve **Resolution PC 16 11 DR 03 – Dairy Queen Remodel** with the addition of Exhibit C1. Vice Chair Murphey seconded.

By roll call vote: Commissioner Lysdale, “yes”; Vice Chair Murphey, “yes”; Commissioner Bare, “yes”; Commissioner Titmus, “yes”; Chairperson Muilenburg, “yes”. Commissioner Miller was absent and excused. The motion was approved.

RESOLUTION PC 16 28 CUP 09 – Beryl Recreational Marijuana Retail Facility: An application from Shawn Fleming, on behalf of Beryl Industries, LLC requesting approval of a Conditional Use Permit to open and operate a retail recreational marijuana facility, a conditional use in the Commercial District regulated by FCC Title 10 Chapter 15. The building is located at 1541 Highway 101, on the southwest corner of Highway 101 and 16th Street, Assessor’s Map no. 18-12-26-23, Tax Lot 00700. The applicant is currently also seeking State approval for their facility.

Chairperson Muilenburg opened the public hearing at 7:25 p.m. He asked if any of the Planning Commissioners wished to declare any conflicts of interest, ex parte contacts, site visits, or bias and Vice Chair Murphey stated that he had a conflict of interest as he carried the insurance for the applicant and removed himself from the dias. There were no challenges of Commissioners’ impartiality to make decisions. CP Muilenburg asked for the Staff report.

AP Southerland presented the staff report (attached) and found the proposed application met the applicable criteria of City Code and Florence Realization 2020 Plan and recommended approval with the outlined conditions of approval. He presented the alternatives and asked for questions.

There was Commission discussion regarding shrubbery height requirements, onsite signage next to the cigarette receptacle and the clean air act and state requirements. There was also discussion regarding the passage of variance and clarification of language that pertained to the secondary egress and emergency access.

Applicant – Shawn Fleming, Shawn Fleming Construction LLC – 2099 45th – Florence, OR

Mr. Fleming clarified that the State required the no on-site consumption signage and was prepared to answer any questions. There were no questions for Mr. Fleming.

CP Muilenburg asked if there were any proponents, opponents or neutral parties. There were none. AP Southerland stated that Staff recommended approval with the conditions outlined. CP Muilenburg asked the Applicant if he understood and agreed to the conditions of approval and the applicant replied they did.

Chairperson Muilenburg closed the public hearing at 7:48 p.m.

There was discussion regarding unsightly signage and a standard to keep notices clean and organized, possible options and PD FarleyCampbell explained FCC 10-4-11-D. AP Southerland stated that #5.9 regarding slightly state required signage could be added as a condition of approval. Mr. Fleming stated that the OLCC required each update/clarification be posted in English and Spanish and agreed with a condition that would be a solution to required notification sightliness.

Commissioner Lysdale motioned to approve **Resolution PC 16 28 CUP 09 – Beryl Industries Marijuana Retail Facility** with the addition of Condition #5.9, the addition of the language “access” to Informational #1 and the change to Condition #9 to state 5 feet to 6 feet. Commissioner Bare seconded.

By roll call vote: Commissioner Bare, “yes”; Commissioner Titmus, “yes”; Chairperson Muilenburg, “yes”; Commissioner Lysdale, “yes”. Vice Chair Murphey recused himself. Commissioner Miller was absent and excused. The motion was approved.

RESOLUTION PC 16 29 ANN 04: To consider a request for annexation of four properties and adjacent Right-of-ways (ROW):

Property 1, ROW 1: Located on the SE corner of Rhododendron Dr. and Heceta Beach Rd. at 4636 Heceta Beach Rd., Map #18-12-04-00 Tax Lot 00103; as well as a portion of Heceta Beach Rd. adjacent to the property.

Properties 2 & 3, ROW 2: Properties located on the west side of 1st Ave. and south of Driftwood Shores at 4513 Lookout St., Map #18-12-04-42, Tax Lot 01204 and 4523 Lookout St., Map #18-12-04-42, Tax Lot 01205; as well as Lookout St. west of 1st Ave.

Property 4, ROWs 3 & 4: Located west of Rhododendron Dr. and north of Treewood Ct. at 04744 South Harbor Vista Dr., Map #18-12-15-22, Tax Lot 05300; as well as Treewood Ct. and S. Harbor Vista Dr. beginning west of Rhododendron Dr. and terminating at the westernmost property line of the annexing property.

RESOLUTION PC 16 30 ZC 04: To consider a request to zone the properties to the corresponding City of Florence zoning as designated by the Florence Realization 2020 Comprehensive Plan:

Property 1 & ROW 1: Neighborhood Commercial regulated by Florence City Code Title 10, Chapter 14

Properties 2, 3, & 4 and ROWs 2, 3, & 4: Single Family Residential regulated by Florence City Code Title 10, Ch.11

Chairperson Muilenburg opened the public hearing at 8:00 p.m. He asked if any of the Planning Commissioners wished to declare any conflicts of interest, ex parte contacts, site visits, or bias and Commissioner Bare declared a site visit. There were no challenges of Commissioners' impartiality to make decisions. CP Muilenburg asked for the Staff report.

PD FarleyCampbell presented the staff report (attached), stated the alternatives and said that all petitions met the sufficient evidence criteria. Staff recommended that the Commissioners recommend the Annexation to City Council for consideration and approval. She asked for questions.

There was Commission discussion regarding right-of-way standards and maintenance and schedule of fees.

Petitioner – Daniel Loftin – 4636 Heceta Beach Road, Florence, OR

Mr. Loftin stated that the fee would be based on a bi-monthly reading.

CP Muilenburg asked if there were any proponents, opponents or neutral parties. There were none. PD FarleyCampbell stated that all petitions met both state and city code and recommended that the Commissioners provide a recommendation to the City Council to approve the annexations and zone changes as proposed.

Chairperson Muilenburg closed the public hearing at 8:25 p.m.

Vice Chair Murphey motioned to recommend to City Council for approval **Resolution PC 16 29 ANN 04 & PC 16 30 ZC 04 – Heceta/South Harbor Vista/Lookout Annexation.** Commissioner Bare seconded.

By roll call vote: Commissioner Lysdale, "yes"; Vice Chair Murphey, "yes"; Chairperson Muilenburg, "yes"; Commissioner Bare, "yes"; Commissioner Titmus, "yes". Commissioner Miller was absent and excused. The motion was approved.

PLANNING COMMISSION DISCUSSION ITEMS

There was Commission discussion regarding Ron's Oil. There was Commission consensus to have the application brought up for review.

CALENDAR

PD FarleyCampbell discussed upcoming Hearing dates, the retirement reception for Chairperson Muilenburg, the Mayor's address to the City, announced Commission positions had been selected and discussed the restructure of land use policy and housing code.

Chairperson Muilenburg adjourned the meeting at 8:41 p.m.

Chairperson, John Murphey
Florence Planning Commission

Date

Dairy Queen Exterior Remodel

PC 16 11 DR 03



Introduction

- Application for Design Review for exterior modifications
 - Removal of existing roof overhangs
 - Change in roof profile
 - Change in building materials
 - Substantial lighting changes
- Application received on June 23, 2016
- Application deemed complete on Nov. 22, 2016.

• Dairy Queen Ext. Modifications

1/24/2017 • 2

Criteria

Florence City Code, Title 10:

- Ch. 1: Zoning Administration, Section 1-5
- Ch. 6: Design Rev., Sections 5 through 9
- Ch. 8: Nonconforming Lots/Uses, Sec..2
- Ch. 27: Mainstreet Dist., Secs. 3 through 5
- Ch. 37: Lighting, Sections 2 through 4

Florence Downtown Architectural Guidelines

• Dairy Queen Ext. Modifications

1/24/2017 • 3

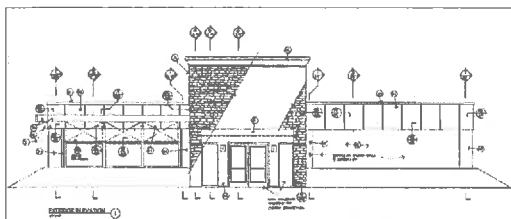
Aerial of Site



• Dairy Queen Ext. Modifications

1/24/2017 • 4

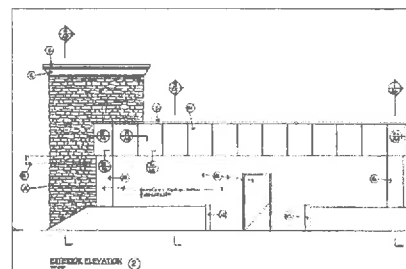
East Elevation



• Dairy Queen Ext. Modifications

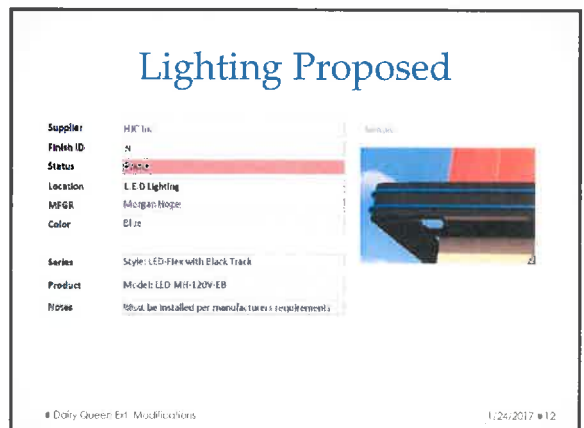
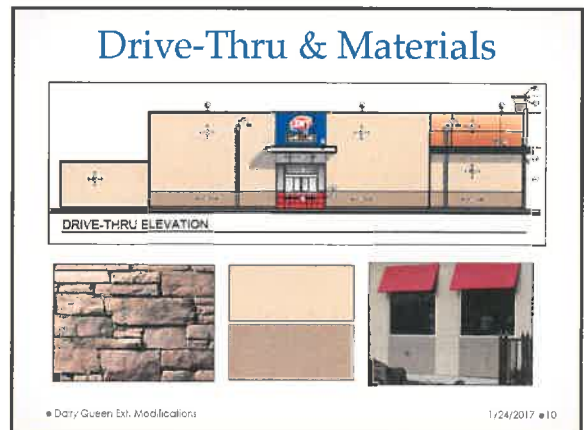
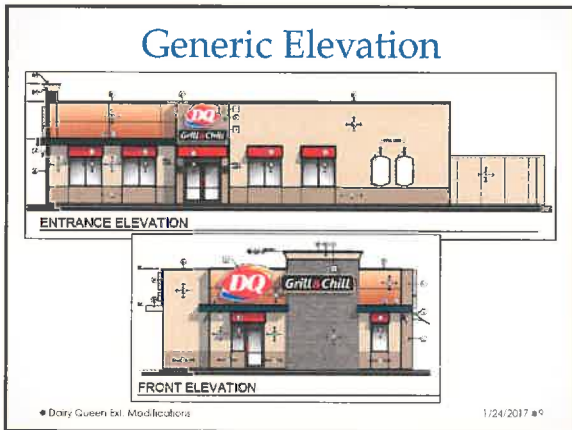
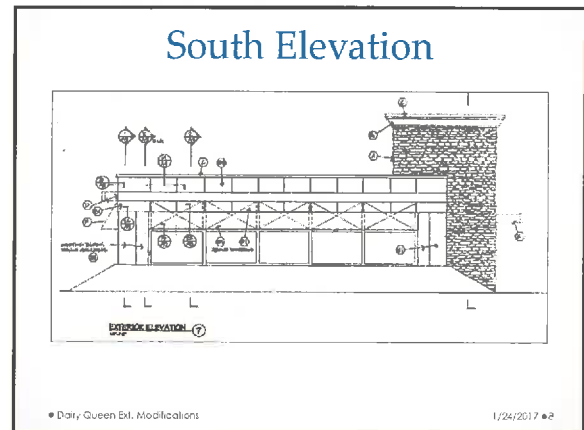
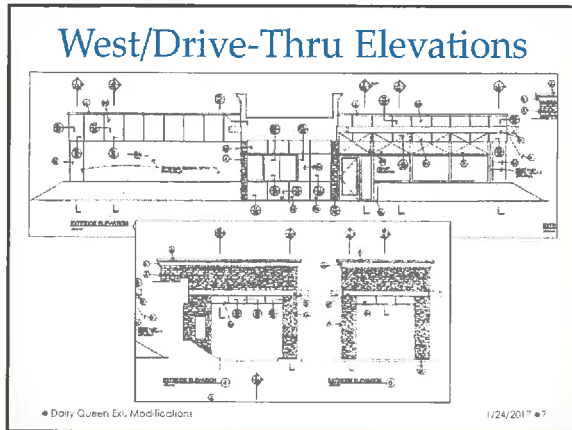
1/24/2017 • 5

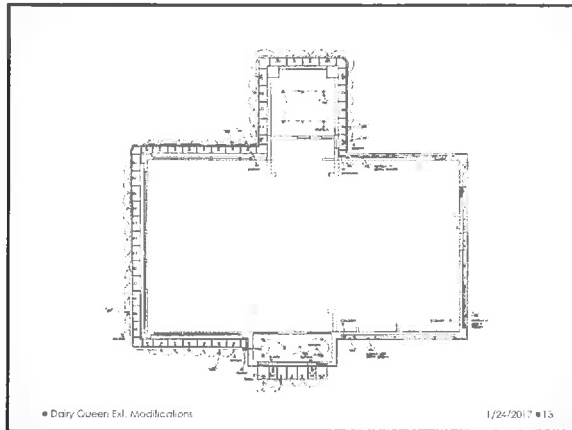
North Elevation



• Dairy Queen Ext. Modifications

1/24/2017 • 6





Testimony

Public Testimony:

- None Received

Referral Comments:

- SVFR: No concerns.
- ODOT: Work in ROW requires permit.

• Dairy Queen Ext. Modifications

1/24/2017 • 14

Staff Recommendation

Staff finds that the application meets the applicable criteria of City Code and the Florence Realization 2020 Comprehensive Plan and **recommends approval** (with the addition of Exhibit C1) of the application with the following conditions of approval:

• Dairy Queen Ext. Modifications

1/24/2017 • 15

Conditions of Approval

4. Design Review Req.

- 4.1. Chain-link (if remaining) will be slatted.
- 4.2. Conditions met prior to final inspection.
- 4.3. Approval for Design Review expires Jan. 24, 2018
5. No unreasonable odor, dust, smoke, noise, vibration, or appearance.

• Dairy Queen Ext. Modifications

1/24/2017 • 16

Conditions of Approval

6. Lighting Requirements

- 6.1. New photometric plan meeting req. of 10-37
- 6.2. Lighting fixture info. Full cut-off and shielding.
- 6.3. All lighting on site shall come into compliance.
- 6.4. 20ft. maximum for lighting fixtures.
- 6.5. Main lights extinguished at end of business hours. Minimum as needed.

• Dairy Queen Ext. Modifications

1/24/2017 • 17

Conditions of Approval

7. Architectural Guidelines

- 7.1. "Low E" windows.
- 7.2. Inswinging main entry doors as allowed.
- 7.3. 2 ½" deep solid masonry.
- 7.4. Darker proposed color – "Lazy Gray" for roof
- 7.5. Gutters round or ogee. Leaders round or square.
- 7.6. Roof-mounted components not visible from surrounding ROWs.
- 7.7. No single lite or glass panel > 24 sq. ft.
- 7.8. Grouped vertical windows separated by 4" trim
- 7.9. Windows and doors surrounded with 2 ½" minimum width trim.

• Dairy Queen Ext. Modifications

1/24/2017 • 18

Conditions of Approval

- I. 1. ODOT permitting for work in ROW.
Stormwater connections.

• Dairy Queen Ext. Modifications

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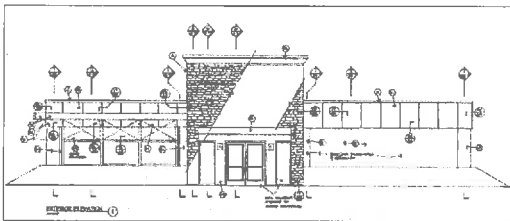
Alternatives

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

• Dairy Queen Ext. Modifications


1/24/2017 • 20

Questions?



• Dairy Queen Ext. Modifications

1/24/2017 • 21

	
INTERIOR DESIGN PROJECT: DAIRY QUEEN 10000 S. 100th Ave. Suite 100 Aurora, CO 80015 Phone: (303) 440-5072	
ARCHITECT PROJECT: DAIRY QUEEN 10000 S. 100th Ave. Suite 100 Aurora, CO 80015 Phone: (303) 440-5072	
DATE 10/10/00	
PROJECT DAIRY QUEEN FLORENCE, OREGON EXTERIOR REMODEL	
ARCHITECT PROJECT: DAIRY QUEEN 10000 S. 100th Ave. Suite 100 Aurora, CO 80015 Phone: (303) 440-5072	
DATE 10/10/00	
PROJECT DAIRY QUEEN FLORENCE, OREGON EXTERIOR REMODEL	
ARCHITECT PROJECT: DAIRY QUEEN 10000 S. 100th Ave. Suite 100 Aurora, CO 80015 Phone: (303) 440-5072	
DATE 10/10/00	

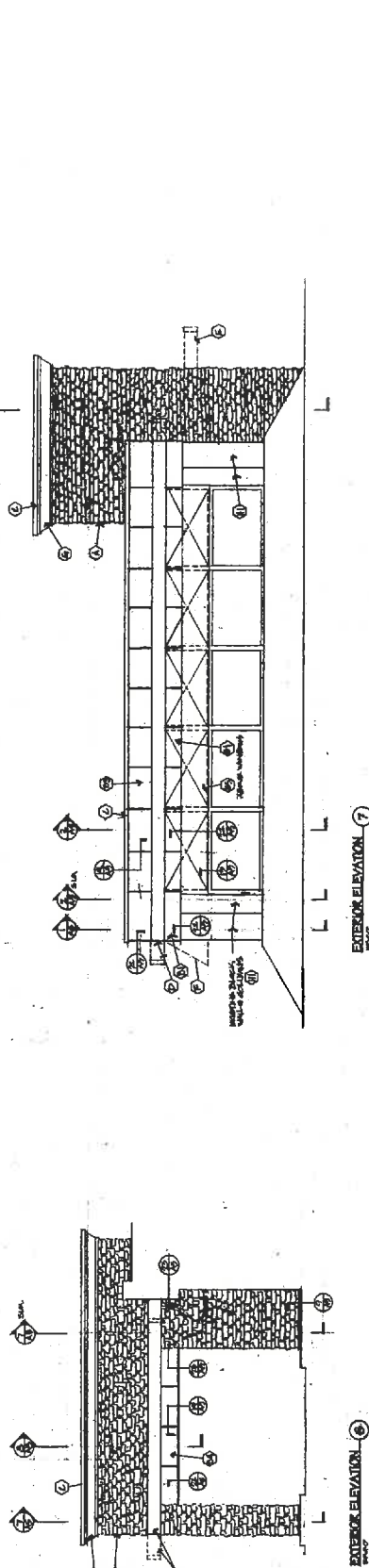
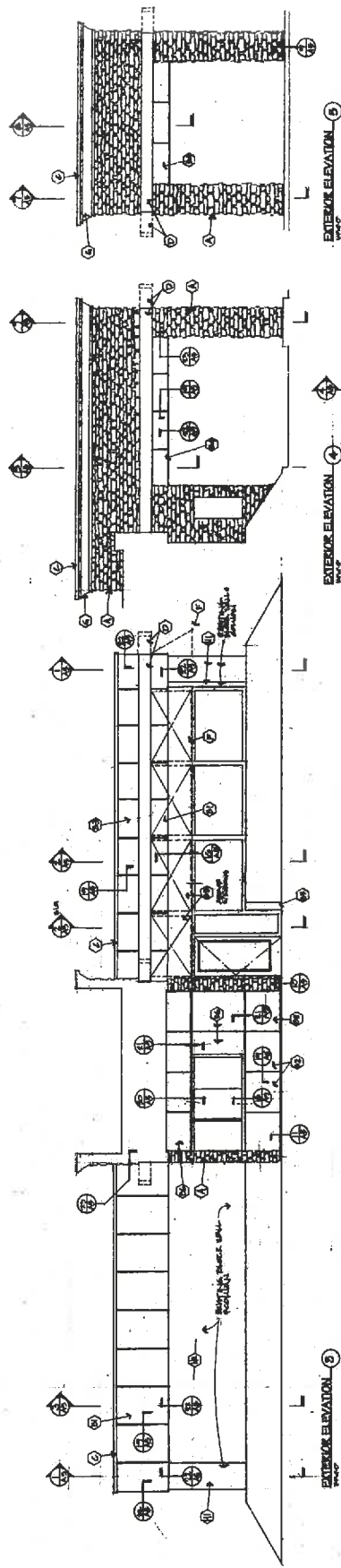
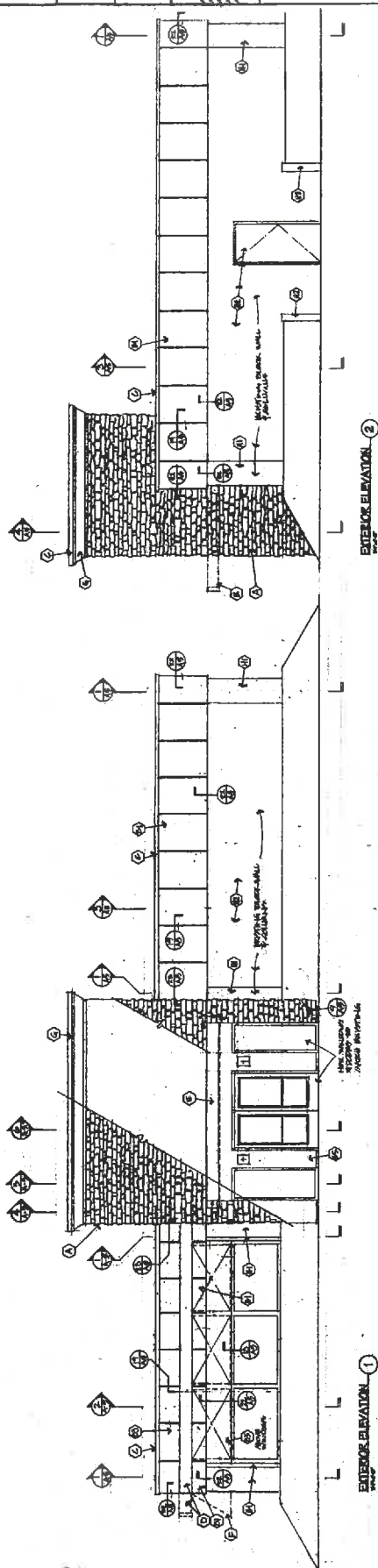


Exhibit C1
Dist. on Dias

Beryl Recreational Marijuana Retail Facility

PC 16 28 CUP 09



Introduction

- Application for Conditional Use Permit
- Staff determined need for variance in resp. to Fire Marshal comments
- 1,704 sq. ft. building const. in 2003
- Application received on Oct. 18, 2016.*
- Application deemed complete on Nov. 16, 2016.

• Beryl Rec. MJ Retail Facility

1/24/2017 • 2

Criteria

Florence City Code, Title 10:

- Ch. 1: Zoning Admin., Section 1-6-3
- Ch. 3: Off-Street Parking and Loading, Sections 2 through 5 & 8 through 10
- Ch. 4: Conditional Uses, Sections 3 through 11, & 12-1
- Ch. 5: Zoning Variances, Sections 2 through 7
- Ch. 6: Design Review, Sections 5, 6 & 9

• Beryl Rec. MJ Retail Facility

1/24/2017 • 3

Criteria – Cont.

Florence City Code, Title 10:

- Ch. 15: Comm. District, Sections 3 through 5
- Ch. 34: Landscaping, Sections 3 through 5
- Ch. 35: Access and Circulation, Sections 2-12, 2-14 & 3
- Ch. 37: Lighting, Sections 2 & 3

Realization 2020 Florence Comprehensive Plan:

- Ch. 2: Land Use, Comm. Policies 3, 4, 6 & 9

• Beryl Rec. MJ Retail Facility

1/24/2017 • 4

Aerial of Site



• Beryl Rec. MJ Retail Facility

1/24/2017 • 5

Aerial w/ Buffers



• Beryl Rec. MJ Retail Facility

1/24/2017 • 6

Site Plan



• Benji Rec. MJ Retail Facility

1/24/2017 • 7

Current Site



• Benji Rec. MJ Retail Facility

1/24/2017 • 8

Testimony

Public Testimony:

- None Received

Referral Comments:

- SVFR: Secondary egress needed.
- ODOT: Work in ROW requires permit.

• Benji Rec. MJ Retail Facility

1/24/2017 • 9

Staff Recommendation

Staff finds that the application meets the applicable criteria of City Code and the Florence Realization 2020 Comprehensive Plan and **recommends approval** (with the changes recommended by staff) of the application with the following conditions of approval:

• Benji Rec. MJ Retail Facility

1/24/2017 • 10

Conditions of Approval

4. Parking

- 4.1. Storage/Loading prohibited during business hours
- 4.2. Western hedge to six feet in height.
- 4.3. Provide four parking spaces.
- 4.4. Narrow driveway condition sign.
- 4.5. Provide two bicycle parking spaces.

• Benji Rec. MJ Retail Facility

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Conditions of Approval

5. Timeline/CUP Requirements

- 5.1. CUP Authorization – Jan. 24, 2018
CoA Deadline – July 24, 2017
- 5.2. Discont. of use. Non-transferrable.
- 5.3. Existing trash enclosure.
- 5.4. Cigarette receptacle.
- 5.5. Retain existing doorways.
- 5.6. Odor control system.
- 5.7. OLCC licensure.
- 5.8. Current and active registration at all times.

• Benji Rec. MJ Retail Facility

1/24/2017 • 12

Conditions of Approval

6. Variance/Design Review

- 6.1. Variance granted for duration occupied by RMJRF
- 6.2. Building color changes.
- 6.3. No major modifications granted. DR expiration on Jan. 24, 2018.
- 7. Outdoor storage, etc. not permitted. Unreasonable odor, dust, smoke, noise, etc. not permitted. Odors may not emanate from the facility.

• Beryl Rec. MJ Retail Facility

1/24/2017 • 13

Conditions of Approval

8. Landscaping

- 8.1. Revised landscaping plan by July 24, 2017.
- 8.2. Five trees.
- 8.3. Pocket-planting, soil-compost blend.
- 8.4. Plantings from Tree and Plant List. Irrigation.
- 8.5. Replacement of failed plantings.
- 9. Free of visual obstructions from 2' 6" to 8' in height.

• Beryl Rec. MJ Retail Facility

1/24/2017 • 14

Conditions of Approval

10. Lighting

- 10.1. All fixtures comply with FCC 10-37.
- 10.2. Any additional lighting approved by Dept.
- 10.3. Shall not project skyward or adjacent properties.
- 10.4. Extinguished at end of bus. hours. Lighting for security.
- 1.1 Contact Fire Marshal to review sec. plans.
- 1.2 ODOT permitting for work in ROW.

• Beryl Rec. MJ Retail Facility

1/24/2017 • 15

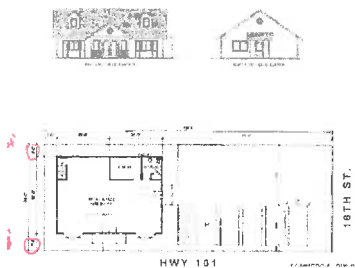
Alternatives

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

• Beryl Rec. MJ Retail Facility

1/24/2017 • 16

Questions?



• Beryl Rec. MJ Retail Facility

1/24/2017 • 17

Harbor Vista – Heceta Lookout Annexation

**PC 16 29 ANN 04
& PC 16 30 ZC 04**



Introduction

- Three original petitioners of dev. property
- Daniel & Sheryll Loftin petitioned 10/28/16
- Jon & Janet deRyk petitioned 11/2/16
- Carey & Benedict petitioned 11/7/16
- Benedict added 12/28/16
- Annexation includes four properties illustrated in Exhibit A & listed in Exhibit B of Resolution 16 29 ANN 04

Heceta-S. Harbor Vista Lookout Annexation- PC 16 29 ANN 04

01/24/2017 #2

Annexation Criteria

Oregon Revised Statutes:

ORS 222.111, 222.120, 222.125, and 222.170(2)

Florence Realization 2020 Comprehensive Plan:

Chapter 1: Citizen Involvement, Policy 4
Chapter 14: Urbanization, Policies 1 and 3 through 7

Heceta-S. Harbor Vista Lookout Annexation- PC 16 29 ANN 04

01/24/2017 #3

Zone Assignment Criteria

Florence City Code:

Title 10, Chapter 1: Zoning Regulations, Sections 10-1-1-5-E-3 and 10-1-2-3 and 10-1-3-B-4

Title 10, Chapter 11 – Single Family Residential

Title 10, Chapter 14 – Neighborhood Commercial

Title 10, Chapter 19–Estuary Shorelands Beaches and Dunes

Florence Realization 2020 Comprehensive Plan:

- Chapter 2, Land Use, Policies 1 & 8, Section on Commercial & Residential Designations

Heceta-S. Harbor Vista Lookout Annexation- PC 16 29 ANN 04

01/24/2017 #4

Property to be Annexed



Heceta-S. Harbor Vista Lookout Annexation- PC 16 29 ANN 04

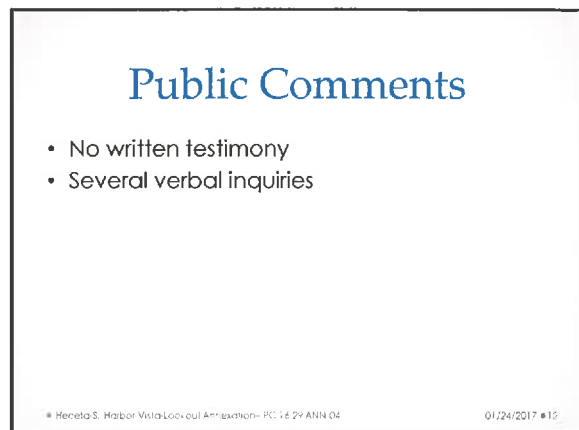
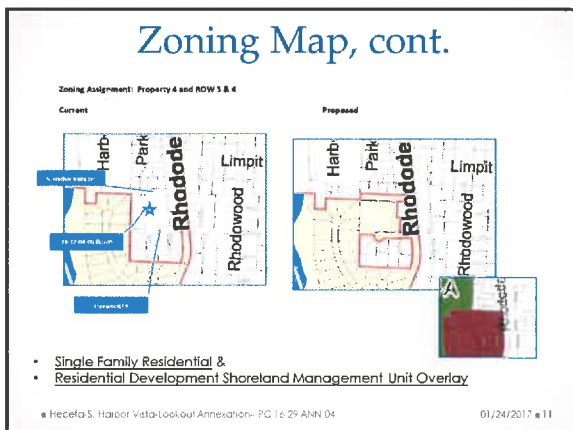
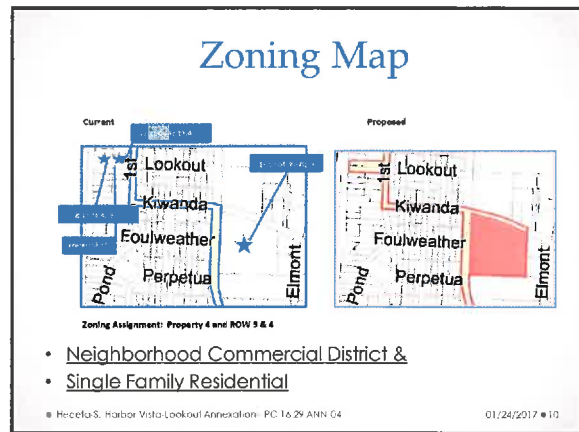
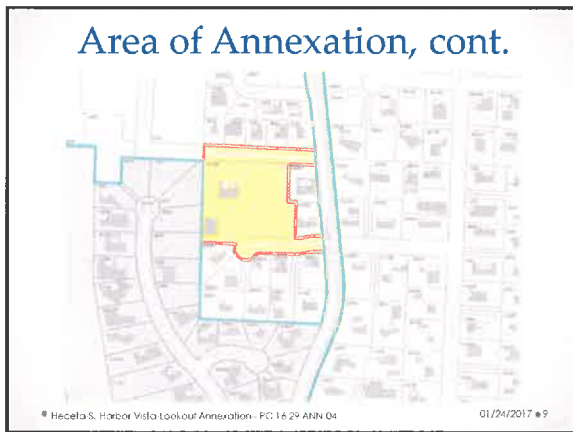
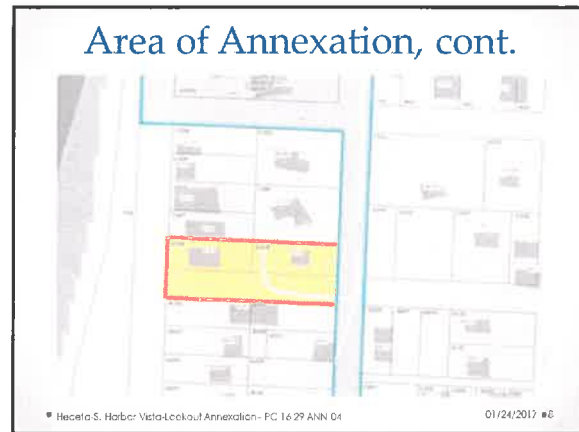
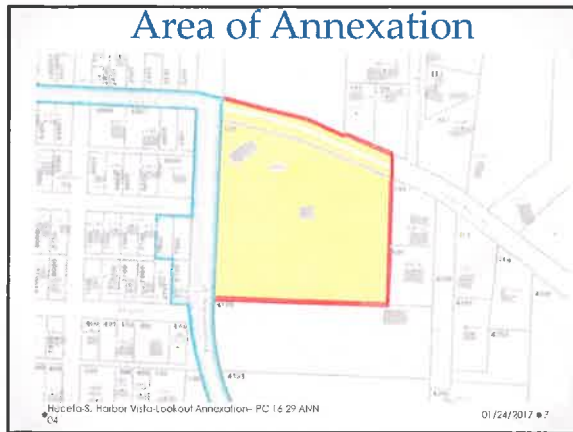
01/24/2017 #5

Property to be Annexed, cont.



Heceta-S. Harbor Vista Lookout Annexation- PC 16 29 ANN 04

01/24/2017 #6



Referral Comments

- Lane County Transportation:
 - Becky Taylor-Concurs with annexation of streets

• Heceta-S. Harbor Vista Lookout Annexation- PC 16 29 ANN 04

01/24/2017 #3

Utilities & Access

- Water: Maintain Heceta Water PUD
- Sewer: Extend from 1st & Rhododendron Dr.
- Access: Existing, may add S. Harbor Vista

• Heceta-S. Harbor Vista Lookout Annexation- PC 16 29 ANN 04

01/24/2017 #14

Consents

- Both Double and Triple Majority methods are met

• Heceta-S. Harbor Vista Lookout Annexation- PC 16 29 ANN 04

01/24/2017 #15

Alternatives

1. Provide a recommendation supporting the annexation and zone assignment to the City Council, or
2. Provide a recommendation to the City Council to deny the petition for annexation and zone assignment with reasons for the denial, or
3. Modify the findings, reasons, or conditions and provide a recommendation supporting the annexation and zone assignment to the City Council, or
4. Continue the Public Hearing to a date certain if more information is needed.

• Heceta-S. Harbor Vista Lookout Annexation- PC 16 29 ANN 04

01/24/2017 #16

Staff Recommendation

Provide a recommendation supporting the annexation and zone change to the City Council.

• Heceta-S. Harbor Vista Lookout Annexation- PC 16 29 ANN 04

01/24/2017 #17

Questions?



• Heceta-S. Harbor Vista Lookout Annexation- PC 16 29 ANN 04

01/24/2017 #18