

**CITY OF FLORENCE  
PLANNING COMMISSION**

**RESOLUTION PC 19 03 DR 01**

A REQUEST FOR A CHANGE OF USE TO SPORTING GOODS STORE WITH OUTDOOR STORAGE AND DISPLAY AREA AT THE SOUTH EAST CORNER OF HWY 101 AND MAPLE STREET

**WHEREAS**, application was made by Roger Center, on behalf of Ed and Debbie Costa, for a Design Review approval as required by FCC 10-1-1-4, FCC 10-1-1-6-3, and FCC 10-6; and

**WHEREAS**, the Planning Commission met in a duly-advertised public hearing on September 24, 2019, 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, 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 a change of use to sporting goods store with outdoor storage and display area at the south east corner of Hwy 101 and Maple Street meets the applicable criteria in Florence City Code and the Florence Realization 2020 Comprehensive Plan with the conditions of approval as listed below.

**Conditions of Approval:**

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

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

"A"	Findings of Fact
"B"	Site Plan
"B1"	Site Plan
"C"	Application
"D"	Proposal Letter

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. The applicant shall provide one ADA Van-Accessible parking space meeting all the applicable requirements of FCC 10-3-5 prior to issuance of business license. ADA access aisle shall meet dimension standards and a sign shall be provided.
4. No noise, vibration, smoke, dust, odor, intense light nor electrical interference will be permitted from the buildings or outdoor areas per the City's nuisance code. Specifically, merchandise for sale, rent, or repair shall not be driven around on unsurfaced areas for testing. Movement of merchandise to and from outdoor and indoor storage areas and display areas for the purpose of merchandising or after-market outfitting is acceptable. Customer testing of merchandise on-site is not permitted to include revving engines. Noise variances for specific events are available through the City Recorder's office.
5. The request for Design Review approval shall expire on September 24, 2020, unless a business license has been received.
6. The applicant shall replace the previously removed tree from Maple St. and shall replace any trees removed from the site or the street right-of-way one for one. These trees shall be selected from the Plant and Tree list, meet sizing and planting requirements, and shall be placed within 20 feet of a street frontage.
7. The applicant shall provide a landscape plan that includes the landscape buffering areas required in this review and additional landscaping required by the 5.13% expansion of use. This shall be processed as a Type 2 and shall be required to be submitted for review and approval prior to receipt of a business license.

8. Mechanical equipment, service and delivery areas, and trash enclosures shall be screened from adjacent streets by one of the methods listed in FCC 10-34-3-7-C.
9. The applicant shall install an evergreen buffer (such as arborvitae) on the inside of the masonry wall along 2<sup>nd</sup> St. and along the Nopal St. building wall of the shop building.
10. The applicant proposes masonry walls at the driveways on Maple St. and 2nd St. The driveways shall provide and maintain appropriate (10') vertical and vision clearance for safe access to and from the site at all times.
11. Newly installed lighting must meet the code contained within FCC 10-37 (e.g. 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) and must be no taller than 16' in height (Mainstreet District pedestrian scaled requirement).
12. All new paving and structures must meet FCC 9-5 and include stormwater collection and treatment systems as outlined in the Stormwater Design Standards Manual.

Informational:

1. This change in use does not trigger the access requirements. Should there be additional construction, increase in building size, or change in property boundaries or substantial change in the character or volume of the traffic, the improvements illustrated in the Access Management Plan will be required.
2. New buildings or structures proposed in the future may trigger sidewalks be constructed in accordance with Chapters 35 and 27 (Mainstreet) standards.

**ADOPTED BY THE FLORENCE PLANNING COMMISSION/DESIGN REVIEW BOARD** the 24<sup>th</sup> day of September, 2019

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John Murphey, Chairperson  
Florence Planning Commission

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DATE

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

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**Public Hearing Date:** September 24, 2019      **Planner:** Wendy FarleyCampbell  
**Date of Report:** September 17, 2019  
**Application:** PC 19 14 DR 03 – Yamaha Relocation DR

**I. PROPOSAL DESCRIPTION**

**Proposal:** A request for a change of use to sporting goods store with outdoor storage and display area at the south east corner of Hwy 101 and Maple Street.

**Applicant:** Ed & Debbie Costa

**Property Owners:** Davis Family Trust

**Location:** 310 U.S. Highway 101  
South East corner of Highway 101 and Maple Street  
Map # 18-12-34-11 Taxlots 01700, 1500, 1299, 1200, 1300, and 1400

**Comprehensive Plan Map Designation:** Downtown District

**Zone Map Classification:** Mainstreet District (MS)

**Surrounding Land Use / Zoning:**

Site: Pro-Lumber / MS  
North: Barber, Office, Bank, Small Engine repair / MS  
South: Apartments & Museum / MS  
East: Hotel / Old Town  
West: Chamber of Commerce / HD

**Streets / Classification:**

East – Nopal / Local; North – Highway 101 / Major Arterial & 4<sup>th</sup> St. / Local; West – Highway 101 / Major Arterial & Maple St. / Local, South – 2<sup>nd</sup> St. / Local

**II. NARRATIVE**

The applicant has applied to change use from a hardware / lumber store to off-road motorsports retail. The change of use proposal includes outdoor storage and display which requires Planning Commission approval. Application was received August 30, 2019. The application was deemed complete on September 3, 2019 after receiving additional materials on September 3, 2019.

### III. NOTICES & REFERRALS

**Notice:** On September 4, 2019 notice was mailed to surrounding property owners within 100 feet of the property. The property was posted on September 4, 2019. Notice was published in the Siuslaw News on September 18, 2019.

At the time of this report, the City had received the following public comments on the proposal:

Jack and Judi Smrekar, September 16, 2019, writing in opposition of the proposal. Their concerns included the classification as a sporting goods store, claiming on-street parking as dedicated to their business, need for a Traffic Impact Analysis, long trailer parking in the neighborhood while ATVs are being serviced, vehicular congestion within a gateway area, inconsistent with purpose and intended character of district.

The use concerns are addressed in the findings and possible nuisances addressed with conditions for screening for visual and noise impacts. The Florence TSP did not illustrate crash data warranting a TIA analysis (3 accidents rear-ends prior to 2009) and the Level of Service for 2<sup>nd</sup> St. at Hwy 101 is proposed to be within standards through 2035. ODOT did not find any changes to the traffic counts that warranted an analysis.

**Referrals:** Referrals were sent to the Florence Public Works and Police, Departments; ODOT; Urban Renewal District, and Siuslaw Valley Fire and Rescue on September 6, 2019.

At the time of this report, the City had received the following referral comments on the proposal:

Doug Baumgartner, ODOT, Region 2 Development Review Coordinator:

ODOT stated that the proposed project as illustrated in the referral notice would not trigger the need for a new ODOT highway approach permit as long as the highway access is not modified. He also states the Florence Access Management Plan for this stretch of highway illustrates the properties on the east side of the highway between Maple St. and Nopal St. would be served by a single highway approach. Pages 4 & 6 of the Access Management Plan include the triggers for implementing the access management plan. Specifically, this change in use does not trigger the access requirements. Should there be additional construction, increase in building size, or change in property boundaries or substantial change in the character or volume of the traffic, the improvements illustrated in the Access Management Plan will be required. (Informational 1)

### IV. APPLICABLE REVIEW CRITERIA

**Florence City Code:**

**Title 10: Zoning Regulations**

Chapter 1: Zoning Administration, Sections 1-4, 1-5, and 1-6-3

Chapter 3: Off-Street Parking & Loading, Sections 2 through 5 and 8 through 11

Chapter 6: Design Review, Sections 4, 5, and 7

Chapter 27: Mainstreet/Area A District, Sections 1, 2, 4, and 5  
Chapter 34: Landscaping, Sections 4 and 5  
Chapter 35: Access and Circulation, Sections 2-9 through 2-11, 2-13 and 2-14  
Chapter 37: Lighting, Sections 2 through 6

## **V. PROPOSED FINDINGS**

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

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### **FLORENCE CITY CODE**

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#### **TITLE 10: CHAPTER 1: ZONING ADMINISTRATION**

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##### **10-1-1-6-3 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:**

**Outdoor storage and display (FCC 10-27-5-J)**

Applicant is proposing a project which requires Planning Commission approval. Review applies as per 10-1-1-6-3 and a hearing is required. The proposal also includes a change of use. The criteria associated with that proposal are also included in the findings of fact.

**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 4, 2019, 20 days prior to the hearing, to all property owners within 100 feet of the subject property. A notice was also published in the Siuslaw News one time on September 18, 2019. 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.**

The notice mailed to surrounding property owners consistent with the criteria noted above. The application was properly noticed and these criteria are met.

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

The Planning Commission met and decided upon the application in accordance with FCC 2-10.

**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.**

The Planning Commission will receive all evidence deemed relevant at the public hearing. The Planning Commission may deny approval should they determine that insufficient evidence has been provided to indicate that the application meets the applicable criterion. The burden to supply such evidence is upon the applicant.

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

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**10-3-3: MINIMUM STANDARDS BY USE:** The number of required off-street vehicle parking spaces shall be determined in accordance with the standards in Table 10-3-1. Where a use is not specifically listed in this table, parking requirements are determined by finding that a use is similar to one of those listed in terms of parking needs, or by estimating parking needs individually using the demand analysis option described below:

- A. **Parking that counts toward the minimum requirement is parking in garages, carports, parking lots, bays along driveways, and shared parking. Parking in driveways does not count toward required minimum parking.**
- B. **For non-residential uses where parking is available on-street, this parking shall count towards the minimum number of required parking spaces along all street frontages of the building where parking is available. Only useable spaces (i.e. those not blocking fire hydrants, mailboxes, etc.) shall count towards the minimum required number of parking spaces.**

**10-3-4: MINIMUM REQUIRED PARKING BY USE:** During the largest shift at peak season, fractional space requirements shall be counted as the next lower whole space (rounded down). Square footages will be taken from the gross floor area (measurements taken from exterior of building). Applicants may ask the Planning Commission for a reduction for parking spaces as part of their land use application. The applicant will have to provide the burden of evidence to justify the reduction proposed. The Planning Commission and/or staff may require the information be prepared by a registered traffic engineer. Table 10-3-1 lists the minimum parking spaces required by use, with a minimum no less than two (2) spaces for non-residential



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

**Table 10-3-1, Minimum Required Parking By Use:**

**C. Commercial and Retail Trade Types:**

<b>Retail Sales and Service</b> (See also Drive-Up Uses)	<b>Retail: 1 spaces per 333 sq. ft., except bulk retail (e.g., auto, boat, trailers, nurseries, lumber and construction materials, furniture, appliances, and similar sales) 1 per 500 sq. ft.</b>
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**D. Manufacturing, Storage and Wholesale Types:**

<b>Warehouse and Freight Movement</b>	<b>1 space per 2,000 sq. ft. of floor area</b>
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Code Requirement--The proposal includes a change of use from lumber sales to sporting goods sales, specifically all-terrain vehicles not licensed by the state of Oregon. Both uses include sales area, outdoor display and outdoor and indoor warehouse areas and office space. The parking count requirements for the two retail uses are the same-1 for every 500 sq. ft. of bulk retail. Office space is calculated at one space for 400 sq. ft. Warehouse space is 1 space required for every 2000 sq. ft.

Use Calculations--The site consists of two existing buildings totaling 19,400 sq. ft. of which 576 sq. ft. is proposed to be office space, 8,000 sq. ft. will be retail and 11,400 will be warehouse and shop space. Additionally, the site presently includes 33,650 sq. ft. of outdoor display space and storage. The application includes 36,550 sq. ft. of outdoor display and storage, an addition of 2,900 sq. ft. These outdoor areas are proposed to be classified as warehouse space.

Parking Demand Analysis--The total retail space is 8000 sq. ft., office space is 576 sq. ft. and indoor and outdoor warehouse space is 47,950 sq. ft. (56,526 sq. ft.) This generates a parking demand of 16 retail spaces, 1 office space, and 23 warehouse spaces a total of 40 parking spaces. The site proposes to have 22 spaces on site that include 8 trailer parking spaces. Additionally, there are 19 on-street parking spaces that by code stated above count. There is a total of 41 spaces on and off site available. The proposed parking meets the required calculated vehicular parking demand.

The assumptions are that the indoor retail space (smaller building) will be bulk sales (large items), that the shop area will be incidental since a warehouse calculation was applied for the entire building and that the outdoor areas are classified as warehouse rather than customer access shopping areas. It should not be assumed that enclosing the outdoor areas will not change the parking demand. Also, this analysis does not address the real possibility that a number of the on-street parking spaces will be occupied by truck and trailer combinations taking up at least two spaces if not three on-street parking spaces.

**10-3-5: VEHICLE PARKING - MINIMUM ACCESSIBLE PARKING:**

- A. Accessible parking shall be provided for all uses in accordance the standards in Table 10-3-2; parking spaces used to meet the standards in Table 10-3-2 shall be counted toward meeting off-street parking requirements in Table 10-3-1;
- B. Such parking shall be located in close proximity to building entrances and shall be designed to permit occupants of vehicles to reach the entrance on an unobstructed path or walkway;
- C. Accessible spaces shall be grouped in pairs where possible;
- D. Where covered parking is provided, covered accessible spaces shall be provided in the same ratio as covered non-accessible spaces;
- E. Required accessible parking spaces shall be identified with signs and pavement markings identifying them as reserved for persons with disabilities; signs shall be posted directly in front of the parking space at a height of no less than 42 inches and no more than 72 inches above pavement level. Van spaces shall be specifically identified as such.

<b>Table 10-3-2 - Minimum Number of Accessible Parking Spaces</b> <b>Source: ADA Standards for Accessible Design 4.1.2(5)</b>			
Total Number of Parking Spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces (with 60" access aisle, or 96" aisle for vans*)	Van Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle
<b>1 to 25</b>	<b>Column A 1</b>	<b>1</b>	<b>0</b>
*vans and cars may share access aisles **one out of every 8 accessible spaces ***7 out of every 8 accessible parking spaces			

The applicant has proposed one ADA Accessible parking space.

The applicant shall provide one ADA Van-Accessible parking space meeting all the applicable requirements of FCC 10-3-5 prior to issuance of business license. ADA access aisle shall meet dimension standards and a sign shall be provided (**Condition 3**)

**10-3-8: PARKING AREA IMPROVEMENT STANDARDS:** All public or private parking areas, loading areas and outdoor vehicle sales areas shall be improved according to the following: All required parking areas shall have a durable, dust free surfacing of asphaltic concrete, cement concrete , porous concrete, porous asphalt, permeable pavers such as turf, concrete, brick pavers or other materials approved by the City. Driveways aprons shall be paved for the first fifty feet (50') from the street.

- B. All parking areas except those required in conjunction with a single-family or duplex dwelling shall be graded so as not to drain storm water over public sidewalks. All drainage systems shall be connected to storm sewers where

**available. Parking lot surfacing shall not encroach upon a public right of way except where it abuts a concrete public sidewalk, or has been otherwise approved by the City.**

The applicant does not propose resurfacing or other new surfacing requiring stormwater requirements.

- C. Parking spaces shall be located or screened so that headlights do not shine onto adjacent residential uses.**

No on-site parking proposed to impact adjacent residential uses.

- F. Except for parking in connection with dwellings, parking and loading areas adjacent to a dwelling shall be designed to minimize disturbance by the placement of a sight obscuring fence or evergreen hedge of not less than three feet (3') nor more than six feet (6') in height, except where vision clearance is required. Any fence, or evergreen hedge must be well kept and maintained.**

The applicant has proposed no parking or loading immediately adjacent to a dwelling. This criterion is met.

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

Lighting requirements will be addressed within staff review of FCC 10-37.

- H. Except for single-family and duplex dwellings, groups of more than two (2) parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right of way other than an alley.**

The applicant proposes to relocate four parking spaces from along Hwy 101 facing NW to the south side of the lot adjacent to Maple St. facing south. Backing appears to not be an impact for the Hwy as more than 23' of on-site access aisle width is available behind these parking spaces. This criterion is met.

- I. Unless otherwise provided, required parking and loading spaces shall not be located in a required front or side yard.**

The front yard for this site is along Hwy 101. The parking lot adjacent to Hwy 101 is pre-existing non-conforming. The four relocated parking spaces are not proposed within a required front or side yard. This criterion is met.

**10-3-9: PARKING STALL DESIGN AND MINIMUM DIMENSIONS: All off-street parking spaces (except those provided for single-family and duplex homes) shall be improved to conform to City standards for surfacing, stormwater management, and striping and where provisions conflict, the provisions of FCC Title 9 Chapter 5 shall prevail. Standard parking spaces shall conform to minimum dimensions specified in the following standards and Figures 10-3(1) and Table 10-3-3:**

- A. Motor vehicle parking spaces shall measure nine (9) feet and six (6) inches wide by nineteen (19) feet long.
- B. Each space shall have double line striping with two feet (2') wide on center.
- C. The width of any striping line used in an approved parking area shall be a minimum of 4" wide.
- D. All parallel motor vehicle parking spaces shall measure eight (8) feet six (6) inches by twenty-two (22) feet;
- E. Parking area layout shall conform to the dimensions in Figure 10-3(1), and Table 10-3-3, below;
- F. Parking areas shall conform to Americans With Disabilities Act (ADA) standards for parking spaces (dimensions, van accessible parking spaces, etc.). Parking structure vertical clearance, van accessible parking spaces, should refer to Federal ADA guidelines.

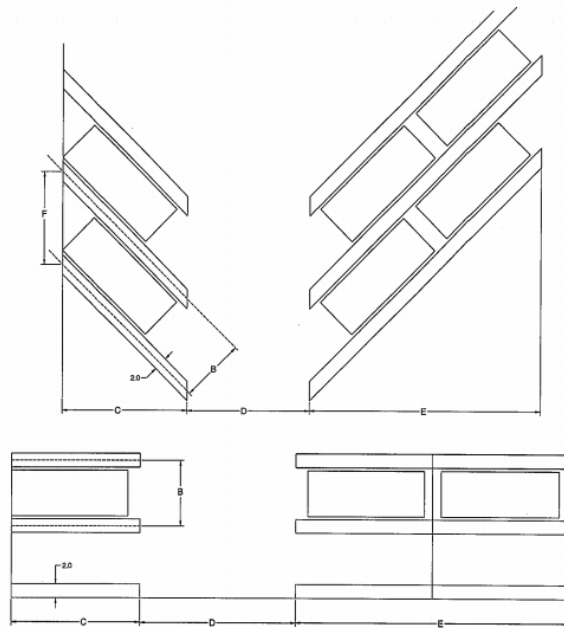


FIGURE 10-3 (1)

Table 10-3-3 – Parking Area Layout							
Space Dimensions in feet	Parking Angle <°	Stall Depth		Aisle Width		Stall width (B)	Curb Length (F)
		Single (C)	Double (E)	One Way (D)	Two Way (D)		
	30°	15.6	26.7	12	18	9.5	19.0
	45°	18.4	33.4	13	18	9.5	13.4
	60°	20	38.8	17	18	9.5	11.0
	70°	20.3	40.6	18	19	9.5	10.1
	80°	20	41.2	22	22	9.5	9.6
	90°	19	40.5	23	23	9.5	9.5

Parking is proposed to be restriped. The parking dimensions appear to meet the minimum requirements of FCC 10-3-8. Criterion is met.

**10-3-10: BICYCLE PARKING REQUIREMENTS:** All new development that is subject to Site Design Review, shall provide bicycle parking, in conformance with the standards and subsections A-H, below.

- A. Minimum Size Space:** Bicycle parking shall be on a two (2) feet by six (6) feet minimum.
- B. Minimum Required Bicycle Parking Spaces.** Short term bicycle parking spaces shall be provided for all non-residential uses at a ratio of one bicycle space for every ten vehicle parking spaces. In calculating the number of required spaces, fractions shall be rounded up to the nearest whole number, with a minimum of two spaces.
- C. Long Term Parking.** Long term bicycle parking requirements are only for new development of group living and multiple family uses (three or more units). The long term parking spaces shall be covered and secured and can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building; Multifamily= 1 per 4 units/ Group Living = 1 per 20 bedrooms/ Dormitory = 1 per 8 bedrooms.
- D. Location and Design.** Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space other than handicap parking, or fifty (50) feet, whichever is less and shall be easily accessible to bicyclists entering the property from the public street or multi-use path.
- E. Visibility and Security.** Bicycle parking for customers and visitors of a use shall be visible from street sidewalks or building entrances, so that it provides sufficient security from theft and damage;
- F. Lighting.** For security, bicycle parking shall be at least as well lit as vehicle parking. Refer to Section 10-37 of this Title for requirements.
- G. Reserved Areas.** Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.
- H. Hazards.** Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards. If bicycle parking cannot be provided safely, the Planning Commission or Community Development Director may waive or modify the bicycle parking requirements.

Proposal is for outdoor storage and display and a change of use. New development is not proposed. This criterion does not apply.

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## **TITLE 10: CHAPTER 6: DESIGN REVIEW**

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**10-6-5: GENERAL CRITERIA:** The Planning Commission or Planning Commission or their designee may require any of the following conditions it deems necessary to secure the purpose and intent of this Chapter. The Commission shall, consider the effect of its action on the availability and cost of needed housing. The Commission or their designee shall not use the requirements of this Section to exclude needed housing types. However, consideration of these factors shall not prevent the Commission or their designee from imposing conditions of approval if the costs of such conditions shall not unduly increase the cost of housing. The Commission or their designee shall have no authority to affect dwelling unit densities. The Commission or their designee shall consider the following criteria reviewing applications and may set conditions or standards which regulate and limit the following:

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

The proposal does not include changes that trigger review of setbacks, height, area, dimensions, or percentage of coverage. Fences and screening are discussed and conditioned elsewhere in the report.

- E. Noise, vibration, smoke, dust, odor, light intensity and electrical interference's.**

No noise, vibration, smoke, dust, odor, light or electrical interference has been proposed. No noise, vibration, smoke, dust, odor, intense light nor electrical interference will be permitted from the buildings or outdoor areas per the City's nuisance code. Specifically, merchandise for sale, rent, or repair shall not be driven around on unsurfaced areas for testing. Movement of merchandise to and from outdoor and indoor storage areas and display areas for the purpose of merchandising or after-market outfitting is acceptable. Customer testing of merchandise on-site is not permitted to include revving engines. Noise variances for specific events are available through the City Recorder's office. **(Condition 4)**

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

Parking has been reviewed as part of FCC 10-3 previously within this report.

- I. Exterior lighting and security.**

Lighting changes are not proposed and are addressed in a later section of these findings.

- J. Public health, safety and general welfare.**

No adverse impacts to public health, safety, or general welfare are proposed or expected as a result of this project.

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

No additional public infrastructure is required as part of this project.

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

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

**N. Such other conditions as are necessary to implement policies contained in the Florence Comprehensive Plan. (Ord. 680, 1- 11-83)**

No bonds, timelines, or other conditions will be required in relation to sub-criteria L, M, or N.

**10-6-10: LAPSE OF DESIGN REVIEW APPROVAL:** Authorization of a design review permit shall be void one (1) year after the date of approval of a either a Type II or III design review application, unless a building permit has been issued and substantial construction pursuant thereto has taken place. Substantial construction shall be considered to be completion of a building foundation. The applicant may apply to the Planning Commission for a one-time extension of one (1) year maximum duration based on compliance with the following criteria:

**A. The request for an extension is made in writing prior to expiration of the original approval.**

**B. There are special or unusual circumstances that exist which warrant an extension.**

**C. No material changes of surrounding land uses or zoning has occurred.**

The Planning Commission may deny the request for an extension of a design review permit if new land use regulations have been adopted that affect the applicant's proposal. (Ord 26, 2008)

The request for Design Review approval shall expire on September 24, 2010, unless a business license has been received. (**Condition 5**)

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**TITLE 10: CHAPTER 27: MAINSTREET DISTRICT (MS)**

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**10-27-2: PERMITTED BUILDINGS AND USES:**

**xxx. sporting goods store**

The applicant proposes to change use from “kk. hardware stores, with limited outdoor display” to sporting goods with outdoor storage and display. The site plan illustrates a proposal to locate outdoor storage on either side of the main building that faces Highway 101 in areas presently fenced and storing and display merchandise. Outdoor display areas are proposed within the existing area with an increase of 2,900 sq. ft. of outdoor display area. The display areas are not interpreted to be “limited” but rather the situation is pre-existing and the merchandise is being changed from lumber to ATVs. The ATV sales use is specifically distinguished from automobile sales and repair as the definitions of these include passenger cars and similar state licensed transportation. This sporting goods use could include kayaks and small paddle boats. Automobile, RV, boat, trailer and other similar sales are not included in this review.

#### **10-27-5: Site and Development Provisions**

**B. Fences, Hedges, Walls and Landscaping: Landscaping shall be in accordance with FCC 10-34, except as modified by the following specific standards:**

**Area “A” as shown on the following page: A minimum of 10% landscaping is required. The calculation of the required minimum may include street trees installed and maintained by the applicant, planters and window boxes which are the property of the applicant/owner, as well as plantings within courtyard areas. All landscaping included within the 10% calculation must be installed and maintained by the applicant or his/her successors.**

The site consists of 103,745 sq. ft. requiring 10,374 sq. ft. of landscaping. The site is pre-existing with roughly 2,300 sq. ft. of what could be considered to have landscaping or at least vegetation. The landscaping plan review process conditioned later in the report will address coverage requirements.

The site has 1000 linear feet of street frontage which would require new development to have 36 trees on the site. Street trees can count. The site has around ten trees on-site and nine street trees (three on Maple and seven on Nopal). One additional street tree was removed from the Maple St. frontage recently due to sidewalk up-heave. All remaining nine street trees are proposed for removal. The two trees along Maple St. are proposed to be replaced with tree species matching the landscaping at the intersection of Hwy 101 and Maple St. The seven trees along Nopal proposed are not proposed to be replaced. Code states landscaping must be maintained by successors of owners of the property and its successors.

The applicant shall replace the previously removed tree from Maple St. and shall replace any trees removed from the site or the street right-of-way one for one. These trees shall be selected from the Plant and Tree list, meet sizing and planting requirements, and shall be placed within 20 feet of a street frontage. **(Condition 6)**

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## **TITLE 10: CHAPTER 34: LANDSCAPING**

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### **10-34-3: LANDSCAPING**



**10-34-3-1: Applicability.** Except for single-family and duplex dwelling uses, this Section shall apply to all new development as well as changes of use and expansions as described below, and shall apply in all districts except where superseded by specific zoning district requirements. These provisions shall be in addition to the provisions of FCC Title 9 Chapter 5 and where there are conflicts, the provisions of Title 9 Chapter 5 shall prevail.

- A. For new developments, all landscaping shall meet current code requirements. (Ord. 4, 2011)**

The applicant proposes 2,900 sq. ft. of additional outdoor display space. This is an increase of 5.13% of use area.

**10-34-3-2: Landscaping Plan Required.** A landscape plan is required. All landscape plans shall include the following information:

- A. The location and height of existing and proposed fences and walls, buffering or screening materials.**
- B. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas.**
- C. The location, size, and species of the new proposed plant materials (at time of planting).**
- D. The location(s) of areas where existing vegetation will be cleared and the location(s) of areas where existing vegetation will be preserved, delineated on a recent aerial photo or site plan drawn to scale.**
- E. Existing and proposed building and pavement outlines.**
- F. Specifications for soil at time of planting, irrigation and anticipated planting schedule.**
- G. Other information as deemed appropriate by the City Planning Official.**

The applicant shall provide a landscape plan that includes the landscape buffering areas required in this review and additional landscaping required by the 5.13% expansion of use. This shall be processed as a Type 2 and shall be required to be submitted for review and approval prior to receipt of a business license. **(Condition 7)**

**10-34-3-7: Buffering and Screening.** Buffering and screening are required under the conditions listed below. Walls, fences, and hedges shall comply with the vision clearance requirements and provide for pedestrian circulation, in accordance with FCC 10-35-2-13. (See Section 10-34-5 for standards specific to fences and walls.)

- C. Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Other Screening When Required.** All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas shall be screened from view from all public streets and adjacent Residential districts. When these or other areas are required to be screened, such screening shall be provided by:
- 1. a decorative wall (i.e., masonry or similar quality material),**
  - 2. evergreen hedge,**

3. **opaque or sight-obscuring fence complying with Section 10-34-5, or**
4. **a similar feature providing an adequate screen.**

The applicant proposes both outdoor storage and delivery areas. The variable height of the site makes effective screening from adjacent properties and streets difficult. The applicant proposes screening most of these areas with decorative masonry walls. Evergreen buffering is conditioned below to screen from adjacent residential uses.

Mechanical equipment, service and delivery areas, and trash enclosures shall be screened from adjacent streets by one of the methods listed in FCC 10-34-3-7-C. **(Condition 8)**

**D. Abutting Land Use Buffers. When a commercial, industrial, or other non-residential use abuts a residential district or residential land use, a visual and noise buffer shall be established and maintained immediately adjacent to the residential property line, consistent with the standards listed in the table below. In no case shall the buffer strip be less than 15 feet in width unless reduced by the Planning Commission where a lesser distance will provide adequate buffering. The buffer strip may include existing vegetation, landscape plantings, evergreen hedge, berm, fence, and/or wall components. Fence and wall structures shall be not less than 6 feet and no more than 8 feet in height (see also Section 10-34-5). The landscaped buffer shall effectively screen at least 70 percent of the view between districts within five (5) years. Significant vegetation in these buffer strips may be preserved in accordance with Section 10-34-2, and replanting of local native vegetation is encouraged.**

<b>Adjoining Land Use / Zoning</b>	<b>Landscaped Buffer and/or Fence or Wall</b>
Abutting single family Zoning or use	15 foot buffer with 6' solid wood fence or block wall or 35 foot landscaped buffer
Abutting Duplex, triplex or townhouse zoning or use	15 foot buffer with 6' solid wood fence or block wall or 25 foot landscaped buffer
Abutting multiple family or condominiums	15 foot buffer with 6' solid wood fence or block wall or 15 foot landscaped buffer

The applicant proposes outdoor storage and display and a maintenance shop adjacent to the residences opposite 2<sup>nd</sup> St. and the residence opposite Nopal St. The applicant proposes a 6' masonry wall along 2<sup>nd</sup> St. While this will provide some visual buffering, additional screening is necessary for noise and dust from stocking the gravel storage areas and noise from the maintenance shop. The applicant shall install an evergreen buffer (such as arborvitae) on the inside of the masonry wall along 2<sup>nd</sup> St. and along the Nopal St. building wall of the shop building. **(Condition 9)**

---

## **Chapter 35 Access and Circulation**

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**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.

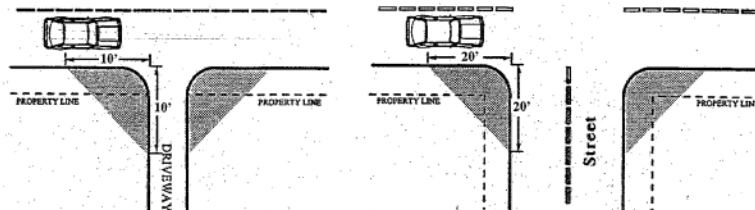


Figure 10-35(4): Vision Clearance Areas (solid lines indicate curbs or edge of pavement)

The applicant proposes masonry walls at the driveways on Maple St. and 2<sup>nd</sup> St. The driveways shall provide and maintain appropriate (10') vertical and vision clearance for safe access to and from the site at all times. **(Condition 10)**

**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.

No new development is proposed with this application. New buildings or structures proposed in the future may trigger sidewalks be constructed in accordance with Chapter 35 and 27 (Mainstreet) standards. **(Informational 2).**

---

## TITLE 10: CHAPTER 37: LIGHTING

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**10-37-2: APPLICABILITY:** Section 10-37 applies to installation of all lighting fixtures as of the effective date of this Ordinance, except as exempted by provision of this Ordinance. Devices include but are not limited to, lights for: buildings and structures, recreational areas, parking lot and maneuvering areas, landscape areas, streets and street signs, product display areas, building overhangs and open canopies, holiday celebrations, and construction lights.

Newly installed lighting must meet the code contained within FCC 10-37 (e.g. 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) and must be no taller than 16' in height (Mainstreet District pedestrian scaled requirement). **(Condition 11)**

---

## **TITLE 9: CHAPTER 5: STORMWATER MANAGEMENT**

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### **9-5-2: DRAINAGE PLAN SUBMITTAL REQUIREMENTS:**

#### **9-5-2-1: GENERAL:**

- A. A Drainage Plan is required for all development, except as provided in FCC 9-5-2-4. Submittal requirements are tailored to the size and impacts of the development. The submittal requirements are specified in the Stormwater Manual.**
- B. A registered Professional Engineer licensed by the State of Oregon shall prepare, certify, and seal the Drainage Plan whenever a Professional Engineer is required in the Stormwater Manual or state law. Furthermore, prior to land disturbing activity, the developer for the land disturbing activity shall certify that the proposed activities will be accomplished pursuant to the approved plan.**
- C. If a land use approval is required, the Drainage Plan shall be submitted and approved as part of the land use approval process. If no land use approval is required, the Drainage Plan shall be submitted as part of the application for a construction or facility permit.**

The applicant has not proposed any new impervious surfaces. All new paving and structures must meet FCC 9-5 and include stormwater collection and treatment systems as outlined in the Stormwater Design Standards Manual. **(Condition 12)**

---

## **VI. ALTERNATIVES**

- 1. Approve the application based on the findings of compliance with City regulations.**
- 2. Modify the findings, reasons or conditions, and approve the request as modified.**
- 3. Deny the application based on the Commission's findings.**
- 4. Continue the Public Hearing to a date certain if more information is needed.**

---

## VII. CONCLUSIONS AND RECOMMENDATIONS

Staff finds that the proposed application meets the requirements of City Code with conditions, and **recommends approval** of the Design Review application subject to conditions.

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## VIII. CONDITIONS OF APPROVAL

The application, as presented, meets or can meet applicable City codes and requirements, provided that the conditions of approval are met in coordination with the below limitations.

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.

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

### Exhibits:

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

"A"	Findings of Fact
"B"	Site Plan
"B1"	Site Plan
"C"	Application
"D"	Proposal Letter

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. The applicant shall provide one ADA Van-Accessible parking space meeting all the applicable requirements of FCC 10-3-5 prior to issuance of business license. ADA access aisle shall meet dimension standards and a sign shall be provided
4. No noise, vibration, smoke, dust, odor, intense light nor electrical interference will be permitted from the buildings or outdoor areas per the City's nuisance code. Specifically, merchandise for sale, rent, or repair shall not be driven around on unsurfaced areas for testing. Movement of merchandise to and from outdoor and indoor storage areas and display areas for the purpose of merchandising or after-market outfitting is acceptable. Customer testing of merchandise on-site is not permitted to include revving engines. Noise variances for specific events are available through the City Recorder's office.
5. The request for Design Review approval shall expire on September 24, 2010, unless a business license has been received.
6. The applicant shall replace the previously removed tree from Maple St. and shall replace any trees removed from the site or the street right-of-way one for one. These trees shall be selected from the Plant and Tree list, meet sizing and planting requirements, and shall be placed within 20 feet of a street frontage.
7. The applicant shall provide a landscape plan that includes the landscape buffering areas required in this review and additional landscaping required by the 5.13% expansion of use. This shall be processed as a Type 2 and shall be required to be submitted for review and approval prior to receipt of a business license.
8. Mechanical equipment, service and delivery areas, and trash enclosures shall be screened from adjacent streets by one of the methods listed in FCC 10-34-3-7-C.
9. The applicant shall install an evergreen buffer (such as arborvitae) on the inside of the masonry wall along 2<sup>nd</sup> St. and along the Nopal St. building wall of the shop building.
10. The applicant proposes masonry walls at the driveways on Maple St. and 2nd St. The driveways shall provide and maintain appropriate (10') vertical and vision clearance for safe access to and from the site at all times.
11. Newly installed lighting must meet the code contained within FCC 10-37 (e.g. 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) and must be no taller than 16' in height (Mainstreet District pedestrian scaled requirement).
12. All new paving and structures must meet FCC 9-5 and include stormwater collection and treatment systems as outlined in the Stormwater Design Standards Manual.

Informational:

1. This change in use does not trigger the access requirements. Should there be additional construction, increase in building size, or change in property boundaries or substantial change in the character or volume of the traffic, the improvements illustrated in the Access Management Plan will be required.
  2. New buildings or structures proposed in the future may trigger sidewalks be constructed in accordance with Chapters 35 and 27 (Mainstreet) standards.
- 

## **IX. EXHIBITS**

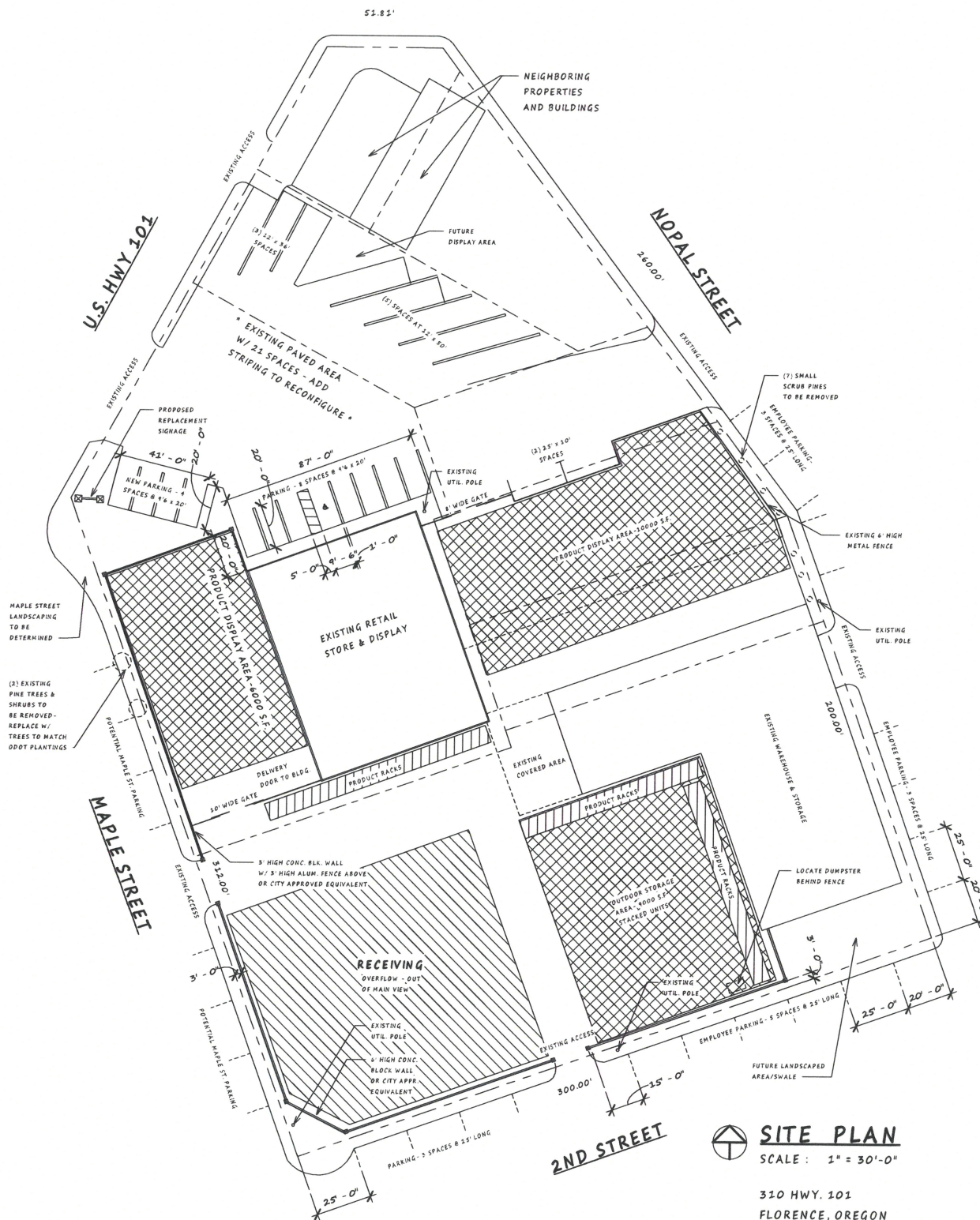
"A"	Findings of Fact
"B"	Site Plan
"B1"	Site Plan
"C"	Application
"D"	Proposal Letter
"E1"	Site Aerial
"E2"	Vicinity Aerial
"F"	Testimony- Smrekar
"G"	Referral - ODOT



Carrollton Designs Inc.

P.O. Box 141  
Mapleton, Oregon 97453  
Ph. 551.636.5053  
Ce. 541.999.7886

THE DESIGN, IDEAS AND CONCEPTS SET FORTH IN THESE DRAWINGS ARE THE EXCLUSIVE PROPERTY OF CARROLLTON DESIGNS. ANY USE OF SAME WITHOUT THE WRITTEN CONSENT OF CARROLLTON DESIGNS IS STRICTLY PROHIBITED BY LAW. THESE DRAWINGS ARE NOT TO BE REPRODUCED, COPIED, DISTRIBUTED, OR SOLD WITHOUT WRITTEN PERMISSION FROM CARROLLTON DESIGNS. CONTRACTOR SHALL VERIFY AND CORRECT ALL CONDITIONS AND DIMENSIONS PRIOR TO START OF WORK. ANY DISCREPANCIES SHALL BE REPORTED TO THIS OFFICE FOR CORRECTION PRIOR TO START OF WORK.



### SITE PLAN

SCALE: 1" = 30'-0"

310 HWY. 101  
FLORENCE, OREGON

LOT AREA:	103745 S.F.
EXIST. BLDG. PAD:	19400 S.F.
COVERAGE:	18.7 %
ADD'L IMPERV. AREA:	35944 S.F.
TOTAL IMPERV. AREA:	55344 S.F.
TOTAL COVERAGE	53.3 %

RETAIL SPACE -	8000 S.F.
OFFICE SPACE -	576 S.F.
STORAGE & SHOP -	11400 S.F.

A PROPOSED SITE ENHANCEMENT FOR:  
**COSTA PROPERTIES**

**Exhibit B**

FLR. AREA :  
EXISTING

**B**

OF 1

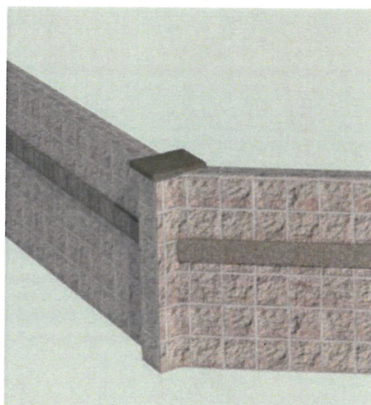
COSTA-PRO

RECEIVED  
City of Florence

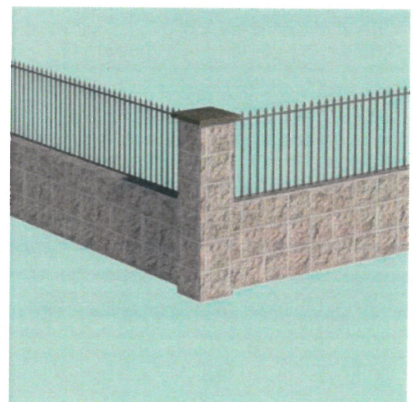
SEP 3 2019

gdfc





6' HIGH WALL

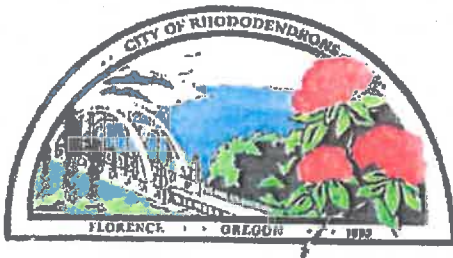


3' HIGH WALL W/ 3' HIGH FENCE

PERIMETER WALL STYLES

**Exhibit B**

By: —



*City of Florence*  
Community Development Department  
250 Highway 101  
Florence, OR 97439  
Phone: (541) 997-8297  
Fax: (541) 997-4109  
[www.ci.florence.or.us](http://www.ci.florence.or.us)

### Type of Request

#### THIS SECTION FOR OFFICE USE ONLY

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

Proposal: PC 19 14 DR 03 - Yamaha Relocation DR

### Applicant Information

Name: Ed & Debbie Costa

Phone 1:

E-mail Address:

Address: 2130 Hwy 124, Florence OR 97439

Signature:

Date: \_\_\_\_\_

Applicant's Representative (if any): Roger Center, Jim Hoberg & Bob Carroll

### Property Owner Information

Name: Davis Family Trust

Phone 1: John W  
541-997-3438

E-mail Address: john@proumber.net

Phone 2: Kelty  
541-999-0022

Address: 90585 Upper North Fork Rd. Florence, OR 97439

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Applicant's Representative (if any): John & Kelty LaRocco and Karen Koppel

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

### For Office Use Only:

RECEIVED  
City of Florence  
AUG 30 2019  
By: DHM

Approved

Exhibit

**Exhibit C**

Property Description

Site Address: 210 US Hwy 101

General Description: \_\_\_\_\_

Assessor's Map No.: 18 - 12 - 34 - 11

Tax lot(s): Main Bldg Warehouse  
01700, 1500, 1299, 1200, 1300  
& 1400

Zoning District: MSA & MSB

Conditions & land uses within 300 feet of the proposed site that is one-acre or larger and within 100 feet of the site that is less than an acre OR add this information to the off-site conditions map

(FCC 10-1-1-4-B-3): \_\_\_\_\_

Project Description

Square feet of new: N/A

Square feet of existing: Retail 8000 + Office 576 + Storage 11400 Shop

Hours of operation: 8am - 5pm

Existing parking spaces: \_\_\_\_\_

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

Timetable of proposed improvements: \_\_\_\_\_

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

If yes, please describe: \_\_\_\_\_

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

For Office Use Only:

Date Submitted: 8/30/2019

Fee: 1491.14

Received by: DHH

Print

Proposal:

To relocate Florence Yamaha to a bigger site. We have outgrown our current site. We are now a multi-line Dealer going from just Yamaha to Yamaha, Polaris and Can Am. We feel the move would be beneficial not only to us, but our customers and the old town merchants as well.

The proposed site will give us the much-needed showroom and bigger retail space for displays. Also, all the attached lots included with this property will give us the space needed to park the machines in the fenced area to be viewed by customers without bringing them in and out every day. The shop will allow us to give the Mechanics the needed space as they have been working under shared bay areas.

With allowing us to move our current location it will be safer for our community and our customers who travel on Hwy 126. As of current our customers will park across the street from our store on the Highway endangering other vehicles and their selves in doing so and also as they try to cross the street. We feel the location will better suit travelers as the parking area will be greater especially customers towing trailers.

Also, we feel this will be beneficial to the old town merchants, because as our customers get service work done and/or accessories put on to their machines they no longer have to wait in our parking lot, they can walk to old town without worrying about where to leave their vehicles. They can shop the merchants and enjoy lunch as they wait.

We have a very good reputation with the tourists and repeat customers as the best ATV/UTV Dealer to visit, bringing customers through for their shopping experience before heading to local campsites here locally, including Winchester Bay and North Bend. These same tourists will frequent local merchants such as Safeway, Old Town, Restaurants, Motels and more.

We believe this is the best place for us to move because of the customers heading south to the Dunes, to the many destinations as mentioned, and we feel we simply have to be between Hwy 126 and the Bridge. Therefore, making this property ideal for our envision for our future Retail Space.

The bottom line is Florence Yamaha has to expand we have simply just grown so much since we bought the store in 2006 and we want to keep our business within the City Limits. This City has been good to us and we are proud to be a part of this community. We have grown from 2 employees besides ourselves to now a total of 18 in the past 13 years.

We ask that you please deeply consider our vision and grow with us and this community as we know we can help improve flow to other Business Owners by bringing tourism, and our customers to our City.

**Exhibit D**







Pro Lumber

Phil's Saw Shop, Inc

Maple St

4th St

Nopal St

Maple St

2nd St

Google

Exhibit E1





**Exhibit E2**



September 14, 2019

Florence Planning Department  
250 Highway 101  
Florence, OR 97439

Re: Resolution PC 19 14 DR 03



Dear Planning Dept.,

This letter is written with concern and opposition to the proposed relocation of the Florence Yamaha to 310 Hwy 101.

Under Title 10 Zoning Regulations

Criteria Chapter 1

1-3 #4, #6, #7, #8 Believe proposed relocation is contrary to stated purposes.

1-4 E. #2 g. i. ii. and iii. In general, believe this relocation application deserves and requires a traffic study. More traffic congestion with RVs, trucks and cars with trailers making right and left turns from and onto Hwy 101 and Maple St., crossing sidewalk areas off of Hwy 101 and Maple St. to pull into the business. Impeding pedestrian and bicycle traffic. Safety concerns. Turning the "gateway" street into a high traffic capacity street when intention is to encourage walking and biking. Residential homes in adjacent neighborhoods will be adversely impacted by the proposed development as traffic congestion occurs when those waiting for service use the surrounding streets for parking vehicles with trailers.

Criteria Chapter 3: Have question on the site plan that shows "employee parking" spaces on Nopal Street. Wouldn't these spaces be public spots that anyone could park in?

Criteria Chapter 6

6-5 D. Idea of the Revision Florence is to have more pedestrians and bicyclers in this prominent area to Old Town and this relocation would have many more vehicles with trailers crossing sidewalk areas to gain access to the business. Safety concern.

6-5 E. Adjacent to residences, these factors must be known and taken into consideration during the process.

6-5 I. No exterior lighting that would create light pollution into the homes adjacent to this property, especially at night.

Criteria Chapter 16

16-1 A. Believe this relocation would not meet the "attractive community appearance".

16-1 C. Believe this relocation will be in opposition to "safe, efficient traffic flow with minimum congestion".

16-1 F. Do not believe this relocation to this particular Highway District property is necessary for the activities and uses to survive and is dependent upon highway access and visibility. There are other, more suitable, properties with these attributes north or south of Florence or within Florence but not at this "gateway" intersection.

**Exhibit F**

#### Criteria Chapter 16

16-1 Final two paragraphs. "The multiple use concept requires careful restraint and employs a design review procedure that encourages highway enterprises to blend harmoniously with the scenic and aesthetic features at the entrances to the City." Believe this relocation would in no way blend harmoniously with the scenic and aesthetic features at the entrances to the City at this location.

"It is intended that the economic potential of this District should be developed, but in a manner than enhances our coastal village atmosphere and is consistent with the Florence Comprehensive Plan. (Ord. 625, 6-30-80) " Again, this relocation would not enhance our coastal village atmosphere in any way.

#### Criteria Chapter 27

27-1 "Purpose. The Mainstreet District is intended to provide an area for small and medium sized commercial uses that are appropriate in a traditional, historic downtown. It is also intended to encourage revitalization of the downtown area, and to maintain adequate traffic flows on Highway 101, while providing a pedestrian friendly environment." Believe this relocation would be wholly contrary to the stated purpose of the Mainstreet District

27-2 xxx. To try to classify this business under the singular permitted use of "sporting goods store" is absolutely disingenuous. ATVs might be considered a sporting good but this would primarily be a vehicle sales and vehicle repair shop business to a larger degree than a "sporting goods retail store", which is not what comes to mind when you ask any person what they consider a sporting goods store to be, i.e. The Sportsman in Florence or Dick's Sporting Goods store.

27-3 e. Believe this business would have to apply for a conditional use permit because it includes vehicle repair. Criteria states "automobile repair garage" but because the criteria does not define ATVs specifically, we would contend this criteria would best apply to what this business also truly provides on this property, and this activity must be taken into consideration.

#### Criteria Chapter 35

2-5 and A, B, C inclusive Traffic Study Requirements: The City may require a traffic study prepared by an Oregon registered professional engineer with transportation expertise to determine access, circulation, and other transportation requirements in conformance with FCC 10-1-1-4-E, Traffic Impact Studies. Traffic impact study should be required for this proposed relocation.

#### Proposal Letter

The proposal letter from the owner states they have mechanics. So they will be servicing and repairing vehicles. The letter states that moving from Hwy 126 "will be safer for our community and our customers who travel on Hwy 126". So instead of Hwy 126 being less safe, Hwy 101 would be less safe with the increased vehicles with trailers trying to access




the business via right and left turns and creating traffic congestion. The letter seems to indicate all vehicles of waiting customers can stay parked on their premises while they walk around. Will there always be room for all vehicles?

As far as being beneficial to Old Town merchants, we believe the whole idea of having this particular business at the "gateway" to Historic Old Town entirely outweighs any small benefits to the merchants year round.

The letter states the business wants to stay in the City and "we feel we simply have to be between Hwy 126 and the Bridge." but also that people are headed further south to all their destinations. There are other areas that would be more appropriate and much more suitable for this proposed relocation and this particular business.

If Florence wants to encourage more actual tourist and residential traffic with what we all know are honest, permitted retail establishments in the important Mainstreet District immediately adjacent to our Historic Old Town District, this highly visible proposed relocation for this business should not be approved. Now is the time to prove that the Planning Department is truly visionary.

Yours truly,

A handwritten signature in cursive script that reads "Jack & Judi Smrekar".

Jack & Judi Smrekar  
PO Box 1566  
Florence, OR 97439  
jandj@smrekar.net



# Oregon

Kate Brown, Governor

## Department of Transportation

Region 2 Headquarters  
455 Airport Road SE, Bldg. B  
Salem, Oregon 97301  
(503) 986.2600  
FAX (503) 986.2630

September 19, 2019

ODOT #9285

## ODOT Response

<b>Project Name:</b> Yamaha Relocation	<b>Applicant:</b> Roger Center
<b>Jurisdiction:</b> City of Florence	<b>Jurisdiction Case #:</b> PC19 14 DR 03
<b>Site Address:</b> 310 Highway 101, Florence, OR	<b>Legal Description:</b> 18S 12W 3411 <b>Tax Lot(s):</b> 01200
<b>State Highway:</b> US 101	<b>Mileposts:</b> 190.62

The site of this proposed land use action is adjacent to US101, Oregon Coast Highway. ODOT has permitting authority for this facility and an interest in ensuring that this proposed land use is compatible with its safe and efficient operation. **Please direct the applicant to the District Contact indicated below to determine permit requirements and obtain application information.**

### COMMENTS/FINDINGS

The current Lumber Store development is served by a single approach to US101. According to the Access Management Plan for Highway 101 in Downtown Florence (October 2002) the properties on the east side of the highway between Maple Street and Nopal Street would be served by a single highway approach. Based on the reviewed land use notice material, the proposal to relocate the Yamaha dealership to this location will not trigger the need for a new ODOT access permit if the existing approach to US101 is to be used solely without any reconstruction. In order to allow for the implementation of the access management plan ODOT recommends that the City condition the development to provide cross over access easements to all properties along US101 between Nopal Street and Maple Street so that the approaches can be consolidated upon redevelopment of the adjacent properties. An ODOT Miscellaneous Permit must be obtained for any work that is to be performed in the highway right of way and for connection to state highway drainage facilities.

**Please send a copy of the Notice of Decision including conditions of approval to:**

ODOT Region 2 Planning  
Development Review  
455 Airport Road SE, Bldg. B  
Salem, Oregon 97301

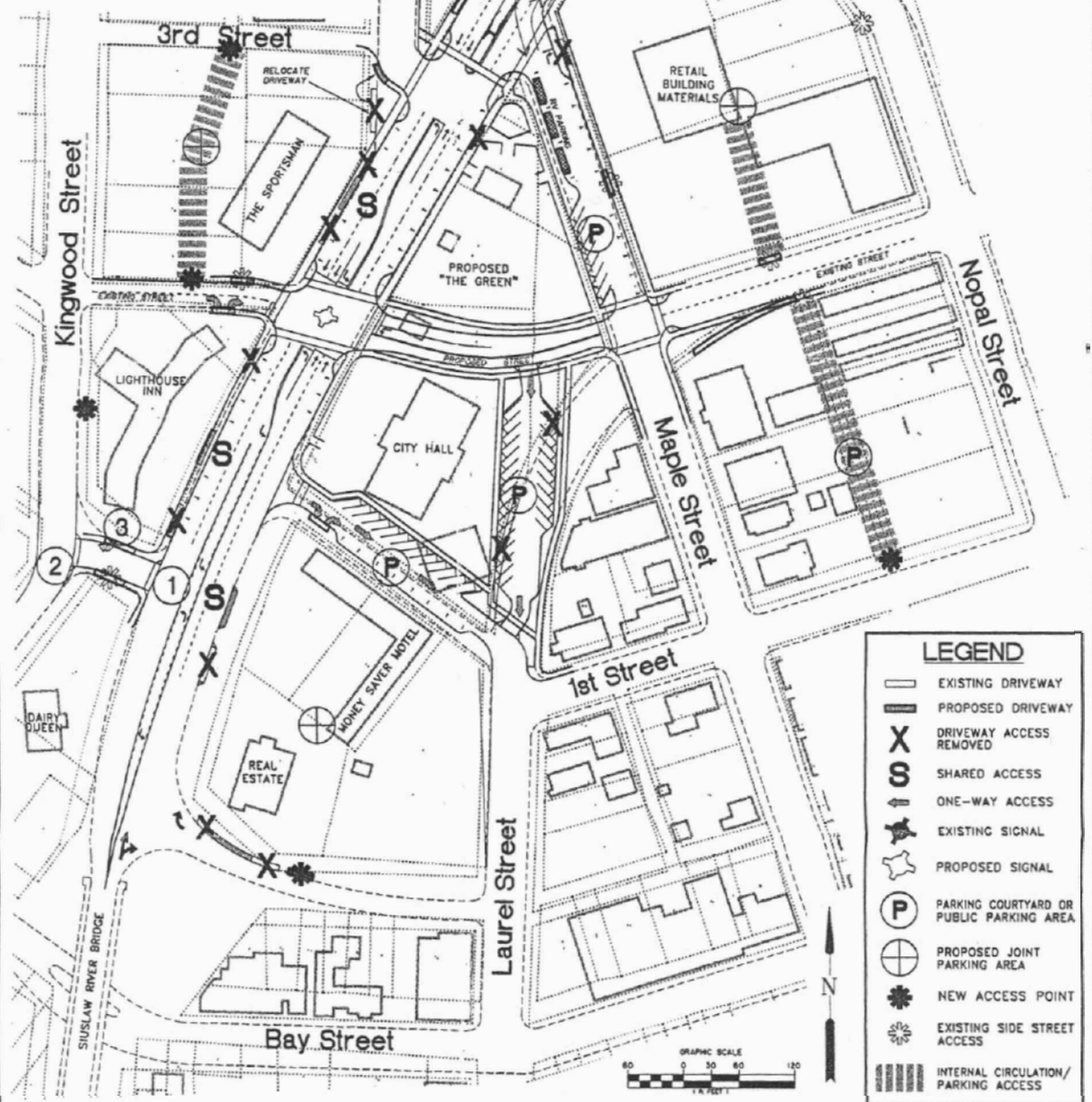
[ODOTR2PLANMGR@odot.state.or.us](mailto:ODOTR2PLANMGR@odot.state.or.us)

Development Review Coordinator: Douglas Baumgartner, P.E.	Douglas.G.BAUMGARTNER@odot.state.or.us
District 5 Contact: April Jones	541-726-2577

**Exhibit G**

## NOTES

- ① NARROW AND MODIFY DESIGN OF 1st STREET WITH 2nd STREET IMPROVEMENTS AND SIGNALIZATION.
- ② KINGWOOD IMPROVEMENTS - REFINE THE HORIZONTAL AND VERTICAL ROADWAY ALIGNMENT & REVISE TRAFFIC CONTROL AS NEEDED.
- ③ RELOCATE DRIVEWAY AWAY FROM HWY. 101
- ④ ADJUST DRIVEWAY TO ALIGN WITH NOPAL.
- ⑤ ADJUST DRIVEWAY AND CHANGE FROM A NON-STANDARD TWO WAY TO ONE WAY EASTBOUND (THIS WILL REQUIRE KLAMATH FIRST BANK INTERNAL TRAFFIC CIRCULATION TO REVERSE DIRECTION)



**ACCESS MANAGEMENT PLAN  
FOR HIGHWAY 101  
SIUSLAW BRIDGE TO HWY. 126**

**SIUSLAW BRIDGE TO  
RHODODENDRON DRIVE**

**FIGURE 2a**