
AGENDA ITEM SUMMARY / STAFF REPORT
FLORENCE PLANNING COMMISSION

ITEM NO: 4

Meeting Date: July 26, 2022

ITEM TITLE: *Building Replacement Extension – 125 Highway 101 Dairy Queen*

OVERVIEW:

Request: Landon Development LLC is requesting an extension of the timeline to replace the Dairy Queen building at 125 Highway 101. On August 18, 2021 at approximately 1 a.m. a fire broke out in the restaurant. The building underwent inspection by the Fire Marshall and was later demolished.

There has been minor work since the issuance of the demo permit such as removing the building remnants in stages and extension of utilities south along Kingwood to Bay St. A pre-application meeting was held with the architect in October or November 2021. Application for land use review was received July 12, 2022 and payment on the 21st.

Code: Dairy Queen received land use approval in 1978 under file number 8 21 78-7 DRB. As one can imagine there are a number of design elements to the building and the site layout that are pre-existing non-conforming. [FCC 10-8-4](#) states a nonconforming building and structure may be replaced in accordance with the Building Codes and use which existing at the time of such damage or destruction. Replacement must be commenced within one year from the date of the destruction and diligently followed to completion. The Planning Commission, with a written request of the applicant, may extend the period an additional year. The one-year anniversary of the fire is August 18, 2022. August 19th the site will lose its pre-existing non-conforming status unless an extension is granted.

Process: Extension requests for buildings being replaced under FCC 10-8-4 are reviewed and decided by Planning Commission. There are no criteria and no process is specified in the code. The Planning Commission will deliberate and provide their final decision on this matter July 26, 2022.

ISSUES/DECISION POINTS: None

ALTERNATIVES:	<ol style="list-style-type: none">1. Approve the Landon Development LLC' extension request for one-year, expiring July 26, 2023.2. Deny Landon Development LLC' extension request.3. Continue deliberations and defer the decision to August 9th
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RECOMMENDATION:	Alternative 1, Staff recommends that Planning Commission approve the extension.
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AIS PREPARED BY:	Wendy FarleyCampbell, Community Development Director
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ATTACHMENTS:	<ul style="list-style-type: none">• Exhibit A Extension request, July 13, 2022
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EXHIBIT A

DQ Florence Oregon 07/13/2022

Request for extension of non-conforming use.

Due to long lead times construction has taken longer then expected to commence at 125 Hwy 101 Florence, Or. Dairy Queen.

This is a request that the planning commission give an extension regarding code section 10.8.4 As the Dairy Queen drive-through is a pre-existing nonconforming use That we would like to remain.

The code section mentions construction commencement within a year and the project is starting slower than expected. However we are diligently attempting to push the project forward.

Thank you

Landon Development LLC

Ryan.

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