
AGENDA ITEM SUMMARY / STAFF REPORT**ITEM NO: 6****FLORENCE PLANNING COMMISSION**Meeting Date: June 13, 2023

ITEM TITLE: PC 22 21 PUD 01, PC 22 25 SUB 03, & SR 22 48 SIR 13– Myrtle Glenn – 37th and Oak Preliminary PUD, Tentative Subdivision, and Phase 1 SIR

OVERVIEW:

Background: The subject property is located at the west of the existing 37th and Oak St intersection. The lots were cleared through an approved vegetation clearing permit, land use approval AR 22 09 VEG 04 with Notice of Decision mailed June 6, 2022. The purpose of this vegetation clearing was in preparation for future development, which is the topic of this land use review. Current conditions of the site are vacant and cleared with the exception of a vegetated hill on the western portion and a vegetated buffer to the north and east abutting residential properties.

Application: This application was received December 2, 2022 with a Notice of Incompleteness issued December 30, 2022. Additional application materials and addendum were received March 17, 2023 and the application was then deemed complete. This application is for a tentative subdivision of a 3.13-acre lot located west of the 37th and Oak St. intersection. The proposal includes 25 individual lots for attached single family dwelling units, each with an attached garage and rear porch and deck. This proposal includes the development of 37th St. west of Oak St that will be developed to local street standards with a public utility easement (PUE) on each side to accommodate a 5-foot-wide sidewalk and utilities. There is also a proposal of a common parking area located between the dwelling units and 37th St that will provide 13 off street parking spaces and storm water facilities.

The application lists three requested modifications under FCC 10-23: exceeding minimum building lot coverage, exceeding minimum impervious lot coverage, and developing the project below minimum density requirements. The application lists three requested modifications/variances under FCC 11-7: less than minimum lot width, less than minimum street frontage, and, less than minimum lot square footage. These requests are explained by the applicant on pages 23-26 of their narrative in Exhibit B1.

During staff review there were additional items found in the application that did not meet code criteria, but were not requested as modifications, these items are included below with the above listed modifications/variances in the issues / decision points section. The Planning Commission is tasked with determining if adequate evidence and findings were established to justify allowance of the requested modifications and variances.

Process and Review: This application includes three requests for review and approval: preliminary PUD, tentative Subdivision and Phase 1 SIR. PUDs are Type III Quasi-Judicial review processes. The subdivision review is typically a Type II review process, but is being processed as a Type III Quasi-Judicial review due to the request to utilize modifications in FCC 11-7. The SIR included in this application would typically be processed as a Type I Staff Review, but for efficiency is consolidated with the other two applications for the same site.

Testimony: One written testimony was received from an adjacent property owner to the north. This testimony was addressed in the Findings and included concerns over existing houses' property values, height of the buildings, and whether they could be constructed on the south of 37th St.

Referral comments: Were received from Public Works, Civil West, and Siuslaw Valley Fire and Rescue (SVFR) Fire Chief. The referral comments include a review of the Storm Water Management plan submitted, the requirement for additional utility plans for this site. The Fire Chief stated the emergency vehicle turnaround was adequate and comments on the minimum GPM required for the site, which Public Works confirmed could be met.

The Resolution, Findings of Fact and application materials are attached to this AIS. The applicable criteria are listed in the "Applicable Criteria" section of the findings. Not only related code sections in this particular instance may be applied in the decision-making process, but also application materials, public testimony and agency referrals that speak to the criteria may also be considered.

The Planning Commission will open and possibly close the public hearing on June 13, 202. The Planning Commission may then deliberate and provide their final decision on this matter.

ISSUES/DECISION POINTS:

- Does the open space proposed (hillside retention and northern buffer area) meet the intent of the Code?
- Do the porches and decks count as additional extra recreation space for the purposes of requested PUD modifications?
- Does the delayed recreation lot to be provided and developed qualify for a Phase in the PUD, if so when should it be platted and constructed?
- Is the termination of 37th St on the west end adequate or should it have a cul-de-sac or hammerhead?
- Does the applicant provide sufficient evidence and findings to support the 3 modification requests under FCC 10-23 and 3 variance/modifications requested under FCC 11-7?

During review staff found some of the 11-7 items did not meet the standards under those criteria and instead referenced them in the 10-23 modifications criteria review in the findings of fact. The classification and proposed decisions of both code sections are as follows:

FCC 11-7: Are items supported by unique topographic or site-specific challenges that prevent compliance or create hardship to comply?

1. Less than minimum lot width: Yes, partially. Hill prevents westward extension. Even with the hill not all units could comply and building tight property lines are best served with FCC 10-23 for HOA control to support fire access.
2. Less than minimum lot area: No. Area exists to meet standard. Supported by 10-23 for HOA control.

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3. Less than minimum lot frontage: No, partially. Area exists to meet standards for some units. Supported by 10-23 for unique and better than standard development--shared accesses, extra parking....

FCC 10-23: Are items supported by unique design or better than conventional code requirements

4. Increased building coverage: Yes. Property tight lot lines provide opportunity for HOA control of on-site parking and reduced number of driveways onto a street.
5. Increased lot coverage: Yes. same as above.
6. Reduced density: Applicant could have gone with a different housing type that would have met density requirements. Project is part of a larger property and density could be met overall if future development meets the standard. If applicant had platted a street north towards East Bank then the density likely would have been met as the net area would have decreased.

Other items included by staff under 10-23:

7. Reduced side and rear yard setbacks

PUD criteria not met:

1. Extra recreation space (H3), see second bullet above.
2. OT/Mainstreet or higher architectural standards, conditioned to be
3. Active and passive recreation facilities. Timing of rec., conditioned.
4. Mix of dwelling unit types and densities, Informational, could be conditioned.
5. Mix of uses. Missing commercial. Staff recommends not necessary.

ALTERNATIVES:

1. Recommend approval of PC 22 21 PUD 01, PC 22 25 SUB 03, & SR 22 48 SIR 13, based on the Commissions' findings that the application meets the requirements of City Code subject to conditions,
 2. Recommend denial of PC 22 21 PUD 01, PC 22 25 SUB 03, & SR 22 48 SIR 13 based on the Commissions' findings that the application does not meet the requirements of City Code.
 3. Recommend partial approval of PC 22 21 PUD 01, PC 22 25 SUB 03, & SR 22 48 SIR 13 based on the Commissions' findings that the application for modifications meets some, but not all requirements of City Code.
 4. Continue deliberations & continue hearing to a date certain.
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RECOMMENDATION: The recommendation is for Alternative 1. Recommend approval of PC 22 21 PUD 01, PC 22 25 SUB 03, & SR 22 48 SIR 13, based on the Commissions' findings that the application meets the requirements of City Code subject to conditions

AIS PREPARED BY: Wendy FarleyCampbell, Community Development Director
Clare Kurth, Assistant Planner

- ATTACHMENTS:** **# 1 - Resolution PC 22 21 PUD 01, PC 22 25 SUB 03, & SR 22 48 SIR 13 (draft)**
- Exhibit A Findings of Fact (proposed)
 - Exhibit B Narrative & Application
 - Exhibit B1 Project Overview and Addendum
 - Exhibit C Tentative Plans
 - Exhibit C1 Tentative Plans Revised
 - Exhibit D Vicinity Maps
 - Exhibit E Wetland Delineation
 - Exhibit F Deed
 - Exhibit G Phase 1 Site Investigation Report
 - Exhibit H Stormwater Management Report
 - Exhibit H1 Stormwater Management Report Revised
 - Exhibit I – Template Structural Plans (Oak St Commons)
 - Exhibit J – Template CCRs (Oak St Commons)
 - Exhibit K – Preliminary Open Space Plan
 - Exhibit L – Referral Comments – Fire Chief
 - Exhibit M – Referral Comments – Public Works Director
 - Exhibit N – Email Clarification & Comments on Sheet 2
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