

**CITY OF FLORENCE
PLANNING COMMISSION**

RESOLUTION PC 22 21 PUD 01, PC 22 23 SUB 02, & SR 22 48 SIR 13

A REQUEST FOR PRELIMINARY PUD AND TENTATIVE SUBDIVISION PLAN INCLUDING PHASE 1 SITE INVESTIGATION REPORT FOR MYRTLE GLENN A DEVELOPMENT CONSISTING OF 25 SINGLE FAMILY ATTACHED LOTS AND PLATTED 37TH ST.

WHEREAS, application was made by William Johnson Construction, Inc on behalf David J. Bielenberg, for approval of a Preliminary PUD with variances from FCC 10-10 and tentative subdivision plan with modifications from FCC 10-36 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 June 13, 2023, 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 11-7, 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 Preliminary PUD, a tentative subdivision plan, and phase I site investigation report are approved with conditions of approval.

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"	Narrative & Application
"B1"	Project Overview and Addendum
"C"	Tentative Plan
"C1"	Tentative Plan Revised
"D"	Vicinity Maps

"E"	Wetland Delineation
"F"	Deed
"G"	Phase 1 Site Investigation Report
"H"	Stormwater Management Plan
"H1"	Stormwater Management Plan Revised
"I"	Template Structural Plan
"J"	Template CCRs
"K"	Preliminary Open Space Plan
"L"	Referral Comments – Fire Chief
"M"	Referral Comments – Public Works Director
"N"	Email Clarification & Comments on Sheet 2

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 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.
3. Upon encountering any cultural or historic resources during construction, the applicant shall immediately contact the State Historic Preservation Office and the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians. Construction shall cease immediately and shall not continue until permitted by either a SHPO or CTCLUSI representative.

FCC 10-3:

- 4.1 The share/common parking area shall meet grading requirements so as not to drain storm water over public ROWs. Parking lot surfacing shall not encroach upon public ROWs. This shall be in accordance with FCC 10-3-8-C. This shall be included on a detailed parking lot plan prior to final PUD and subject to

Public Works and Community Development Department approval.

- 4.2** Parking spaces shall be screened with evergreen shrubs that reach a minimum 36 inches in height above grade level at maturity so that headlights do not shine onto adjacent residential uses and zones in accordance with FCC 10-3-8-D and FCC 10-34-3-7. This shall be installed in prior to issuance of first Certificate of Occupancy for the PUD.
- 4.3** The shared/common parking area shall be in compliance with FCC 10-3-8-E. A curb of not less than 6 inches shall be installed abutting streets and interior lot lines to prevent encroachment onto adjacent private property, public walkways, sidewalks, or minimum landscaped area required in accordance with FCC 10-3-8-E2. Applicant shall meet minimum landscape requirements in accordance with FCC 10-3-8-E2 for a minimum 5-foot-wide landscaped area where the parking area abuts a street. Places for ingress/egress in the 5-foot-wide landscaping are permitted. This condition shall be met prior to first Certificate of Occupancy in the PUD.
- 4.4** A complete parking lot plan in accordance with FCC 10-3-8 K and FCC 10-3-8-L shall be submitted prior to or in conjunction with final PUD
- 4.4** The shared/common parking area shall be in compliance with lighting requirements in accordance with FCC 10-3-8-H, FCC 10-37-3, and FCC 10-37-4. The lighting specifications and photometric plan for the shared/common parking area shall be submitted in conjunction with the parking lot plan.

FCC 10-7:

- 5.1** The area has Yaquina soils which are known for high ground water. Therefore, the applicant shall record a Covenant of Release which outlines the hazard, restrictions and/or conditions that apply to the property as outlined in subsection (D) of FCC 10-7-7, Review and Use of Site Investigation Report, and shall state “The applicant recognizes and accepts that this approval is strictly limited to a determination that the project as described and conditioned herein meets the land use provisions and development standards of the City Code and Comprehensive Plan current as of this date. This approval makes no judgement or guarantee as to the functional or structural adequacy, suitability for purpose, safety, maintainability, or useful service life of the project.” This shall be recorded prior to submittal of any building permit applications or prior to final Subdivision Plat.

FCC 10-10:

- 6.1** The individual lots with unattached sides shall be adjusted in size to

accommodate the 5 foot minimum setback reserved as an access easment for emergency response personnel or utility crews or the applicant's proposal shall be reviewed as a modification to minimum side yard setbacks under FCC 10-23

- 6.2** The rear deck/porch encroachment into the required rear yard setback. The applicant's proposal shall be reviewed as a modification under FCC 10-23
- 6.3** The garage and driveway parking stalls shall be maintained as vehicular parking for the use of the single-family attached units and not be converted to another use.
- 6.4** The applicant shall either provide long term bike parking that meets criteria in accordance with FCC 10-3-10-C or the applicant shall provide other long term bicycle parking onsite in accordance with FCC 10-3-10, this required long-term bicycle parking may either be located on individual sites or in common space. Long term bike parking will be verified prior to Certificate of Occupancy of each unit if provided on the individual lots, or with final PUD if provided in common or open space.

FCC 10-23:

- 7.1.** To break up the long expanse of building façades along 37th St. and better integrate with the character of the existing neighborhood uses, the Final PUD submittal shall include different exterior designs for each grouping of town home units. This is to include but is not limited to a diversity of building materials and colors, window designs, garage door designs, roof eaves and similar details etc.
- 7.2** The applicant shall submit a final grading plan illustrating all cuts and fills and final 1 ft. contours and grades to the edges of the development on all sides prior to final PUD.
- 7.3** With final PUD application a landscape and vegetation retention plan shall be submitted for the entire development. The buffer to the north shall include trees and shrubs planted or retained at a ratio of one tree per 30 ft. The Oak St. frontage and the 37th St. frontage adjacent to unit 25 shall include landscaping to compliment that of the 38th Loop development immediately north on Oak St. consisting of a tree for every 30 feet of frontage.
- 7.4** The corrections for utilities and accesses, as stated by SVFR Chief and Public Works, shall be addressed and provided in a revised utility and access plans submitted for review and approval with Final PUD submittal
- 7.5** The final stormwater management plan shall be submitted for review and

approval with Final PUD submittal. It shall include treatment and conveyance systems that meet city design typicals and it shall include consideration of capacity of existing system and an increase in detention pipe size as needed.

- 7.6** The grouping containing units 23, 24, and 25 shall be located to provide a 10 ft. setback along the northern yard. Subsequently, the parking spaces facing 37th St. adjacent to unit 25 shall be labeled compact
- 7.7.** The applicant proposes private recreation area in the form of a park for the use of this development and those that develop later within this same larger property. This recreation area meets the minimum criteria but is proposed to be developed much later—8 years. This had been conditioned to be designed sooner or bonded. Additional recreation area needed for the modifications can either be determined to be met through the porches and deck space or additional area be provided elsewhere on the development site. The Planning Commission shall make this determination with their review and approval. If the PC decides additional space other than decks and patios is required the applicant shall with Final PUD submit a development plan for the quantity and amenities required to meet the modification criteria of 10-23 and 11-5
- 7.8** The applicant shall, with final PUD submittal, provide a tentative concept and location layout and provide a list of intended development amenities for the park area supporting both active and passive recreation. Prior to issuance of the building permits for the fifth cluster of units the applicant shall submit and have approved a Final PUD approval for the proposed park land, which shall constitute a second phase of this PUD. The final PUD shall consist of a Planning Commission review and approval of the proposed design and timeline for the park's construction and partition. Prior to final permit issuance for the last building the parkland shall be partitioned and constructed or bonded.
- 7.9** The applicant shall submit either an extension request or a Final PUD plan for review and approval within one year of Planning Commission approval of the Preliminary Plan (June 13, 2024). There are many land use regulation changes under consideration that if adopted may affect a request for extension.

FCC 10-35:

- 8.1** A traffic Impact Study (TIS) in accordance with FCC 10-35-2-5 and FCC 10-1-1-4-E based on the criteria that the proposed development will have 25 single family dwelling units and that adjacent neighborhoods or other areas may be adversely affected by the proposed development. A TIS shall be completed and submitted to the City prior to, or in conjunction with final plat.
- 8.2** The maximum driveway width allowable under FCC 10-35-2-12-B for

driveways serving single-family residences shall not be more than 24 feet shall be a minimum of 18 feet where the driveway provides two-way traffic. Therefore, the two driveway access points proposed on 37th St shall be a maximum of 24 feet in with and a minimum of 18 feet.

- 8.3** The east Myrtle Loop stub shall be built to local street standards.
- 8.4** The applicant shall provide examples of signs to be installed at any and all fire access lanes or turnarounds in accordance with FCC 10-35-12-D section prior to issuance of building permits and all signs shall be installed and approved by public works prior to issuance of first Certificate of Occupancy.
- 8.5** Certificate of Occupancy for individual units shall not be issued until required sidewalks are constructed or financially secured.
- 8.6** Vision clearance at 37th and Oak Street shall be confirmed during building inspection or by staff site visit prior to final approval to ensure compliance with minimum vision clearance.
- 8.7** To perpetually meet and maintain the vision clearance areas as identified in FCC 10-35-2-14, the applicant/developer shall perpetually maintain landscaping within the Vision Clearance Areas so that vegetation does not grow to obstruct vision clearance areas. Additionally, landscape plantings shall be maintained as to not interfere with pedestrian and bicycle access. Further, landscaping shall be maintained so that plants do not grow or obstruct vision clearance areas at internal intersections or intersections with public streets in accordance with FCC 10-35-2-14.

FCC 10-36:

- 9.1** All landscaping and stormwater facilities adjacent to sidewalks and pedestrian walkways shall be maintained to prevent encroachment onto the sidewalks and ground cover such as rocks or mulch shall be secured to prevent pedestrian hazards in consistency with the 2012 TSP.
- 9.2** Stormwater facilities in the ROW and PUEs shall be completed and approved by the Public Works Department prior to issuance of any Certificates of Occupancies.
- 9.3** The applicant shall revise the access plan and tentative plat to dedicate and construct either a cul-de-sac or hammer head termination for the west end of 37th St that meets City Standards and Fire Codes for fire apparatus turn arounds in accordance with applicable state Fire Codes and FCC 10-36-2-6.
- 9.4** Barricades used for the East Myrtle Loop Street stub shall be Type III barricades

in accordance with FCC 10-36-2-9.

- 9.5** The proposed emergency vehicle turnaround easement meets current fire codes. However, this shall be a temporary solution and permanent emergency vehicle access shall be developed in conjunction with any development plans on the lot to the south at the expense of the developer of Myrtle Glenn or as agreed upon in writing and submitted to the City by both the Myrtle Glen developer and the developer of the southern property.
- 9.6** Maintenance of the proposed sidewalks shall be the continuing obligation of the adjacent property owner, in the case of this subdivision the responsible party for maintaining these facilities shall be the HOA. In addition to maintaining the sidewalks adjacent to the development, the stormwater facilities, on-site, in the 37th St, or the PUEs shall be maintained by the Myrtle Glenn PUD and shall be stipulated in the CCRs.
- 9.7** In accordance with this FCC 10-36-2-21 the cost of signs required for new development shall be the responsibility of the developer and shall be installed as part of the street system development and shall be installed by developers per City of Florence Standards and Specifications.
- 9.8** Additional information for mailbox type and location shall be submitted and approved prior to issuance of Certificate of Occupancy with associated units.
- 9.9** The building height shall be confirmed at time of building permit plan review and all shall be in compliance with all state and City fire and life safety codes.
- 9.10** The project involves disturbance of more than 1 acre of land. The applicant shall obtain an NPDES permit from DEQ prior to site disturbance.
- 9.11** All new utility lines shall be undergrounded, and above ground equipment shall not obstruct vision clearance areas for vehicular traffic.
- 9.12** All public improvements shall be warranted against defects in materials and workmanship for a period of one year following acceptance of the improvements by the City. Once accepted, a minimum one (1) year warranty agreement on materials and workmanship shall be initiated between the City of Florence and the developer. A warranty bond or other financial security acceptable to the City in the amount of 12 percent of the original public improvement construction cost shall be maintained throughout the warranty period. The terms of the warranty and the warranty itself shall be provided to the Florence Planning Director prior to final plat approval.

FCC 10-37:

- 10.1** The parking lot lights and the exterior lights on the individual dwelling units are not exempt under FCC 10-37-5 and therefore the applicant shall submit a lighting plan in accordance with this Code section that demonstrates the proposed lighting is in compliance with the lighting standards of FCC 10-37-4 with final plat or in conjunction with the final parking lot plan.
- 10.2** All lighting proposed on the exterior of the individual units shall be designed as full cut-off fixtures or have a shielding method to direct light downwards and do not glare onto adjacent properties or skyward in accordance with FCC 10-37-4.
- 10.3** The parking areas in the shared/common area between 37th St and the individual lots shall be in compliance with FCC 10-37-4-B and C. Lighting shall be provided at a minimum of 2-foot candles and a maximum of 5-foot candles for pedestrian and vehicular safety. The lighting poles shall not exceed 20 feet from average grade level to the top of the light fixture.
- 10.4** The required lighting plans for individual dwelling units shall be submitted to the planning department for review prior to issuance of building permit.
- 10.5** The applicant shall provide design, height, and photometric specification of the proposed street lights for review and approval by the Florence Planning Department and Public Works Department prior to any work being commenced and either prior to or in conjunction with final plat.

FCC 11-3:

- 11.1** The final plat shall contain an Owner's Declaration recital, complete with the name and address of the property owner in accordance with FCC 11-3-2-C3 and the platting standards of ORS 92 for subdivisions.
- 11.2** The final plat prepared and submitted for final plat approval shall contain the elevations of all points used to determine contours with the required intervals of 1' 0% to 5'; 2' 5% to 10%; and 5' over 10%
- 11.3** All final engineering details and plans are subject to review, revision and approval by the Florence Community Department, Public Works Director and or City Engineer. The applicant shall submit all required sewage disposal, flood control, and drainage facility plans prior to final plat.
- 11.4** A final grading plan is required prior to final plat. The final grading plan is subject to discretionary review, and approval by Public Works and/or Engineering.

11.5 The final plat that is prepared shall contain a legal description in accordance with ORS 92

11.6 The applicant will be expected to proceed with final survey and to make preparations for final subdivision approval within the timeframes outlined in Title 11 Chapter 3-6 & Chapter 4-4 & 4-6 unless otherwise provided for through approved and allowed extensions from the Planning Director. This tentative plan shall expire on June 13, 2025 unless an extension request is received and approved

Informationals:

1. A final parking lot plan should include minimum parking stall design and minimum dimensions in accordance with FCC 10-3-9
2. Building height will be reviewed during building plan review to verify final building height as measured from average grade to top of roof peak.
3. The applicant is proposing a 5/12 roof pitch, exceeding minimum allowed 3/12. The roof pitch will be verified at time of building plan review.
4. Any and all signs proposed for this development should apply for a sign permit and be in compliance with FCC 4-7
5. With further development to the south a balanced variety of densities and dwelling types are expected and required if a PUD development is sought.
6. The subdivision name and street names will be forwarded to Emergency Services for review and input prior to Final Plat approval.
7. The applicant's stormwater plan states the soil is Yaquina with a water table typically between 2 feet below surface and 2 feet above the ground surface. approximate location of areas subject to inundation or storm water overflow, all areas covered by water, and the location, width and direction of flow of all watercourses, was not included on the applicant's tentative subdivision plan. If such areas exist on the site, the final plat should include these areas

ADOPTED BY THE FLORENCE PLANNING COMMISSION/DESIGN REVIEW BOARD the 13th day of June, 2023.

Sandra Young, Chairperson
Florence Planning Commission

DATE