

FINDINGS OF FACT (PROPOSED) FLORENCE PLANNING COMMISSION EXHIBIT “A”

Hearing Date: December 14, 2021

Planner: Roxanne Johnston

Application: PC 21 32 CUP 03

I. PROPOSAL DESCRIPTION

Proposal: A request for a conditional use permit for a single-family detached residential development in the Commercial District.

Applicant — L & M Development – Richard Leturno

Property Owner — Donald and Norma Saxon

Property Representative - Robert Carroll, Carrolton Designs, Inc.

Location: 5439 Hwy 126
Map 18-12-26-31, TL 02300

Comprehensive Plan Map Designation: Commercial

Zoning Map Classification: Commercial District

Surrounding Land Use/Zoning:

Site: Vacant / Commercial
North: Single-Family Residences / Medium & High Density Residential
South: Retail / Commercial
East: Vacant / Commercial
West: Single-Family Residence & Vacant / Medium Density Residential

Streets/ Classification:

Highway 126 – Major Arterial, Undeveloped Vine St., Local, Undeveloped Willow St., Local

II. NARRATIVE

The site is located on the north side of Highway 126, immediately east to an undeveloped segment of Vine St. The site is undeveloped and lies south of a steep dune. In 2020, a home was constructed adjacent to the NW corner of the subject property within the Medium Density District and no doubt enjoys views of the Siuslaw River. The applicant requests a conditional use permit to allow a single-family detached development in the Commercial District, a request that

requires a Conditional Use Permit obtained by the Planning Commission through a Type III quasi-judicial review.

The applicant submitted a concept subdivision plan that includes 9 lots and a connection from Hwy 126 to Vine St., then to an inner cul-de-sac-type street currently labeled "Butter Clam Ct.", (Exhibit C). The overall property contains 1.15-acre.

In comparing Commercial District to Medium Density Residential, which this proposal most closely resembles (and the district which abuts this proposal), the minimum lot area for a single-family detached dwelling in Medium Density Residential is 5,000 sq. ft. The proposal shows that the smallest lot contains 3,461 sq ft (0.079-acre) and the largest 4,599 sq. ft, (0.10-acre), which is still under the minimum allowed lot area that would be allowed in MDR. The Commercial District, however, allows a minimum lot area of 2,500 square feet. The Commercial District allows duplexes, single family residential and duets with a conditional use permit, while these uses are permitted outright in the MDR. Residential units in conjunction with a commercial use are permitted outright in the Commercial District. The Planning Commission is tasked with identifying a residential use and conditions that will create a successful development in a commercial zoning district and whether or not the proposal is in line with the intent of the Florence Realization 2020 Comprehensive Plan. The Plan leans more towards commercial development along the highway corridor near the city's east gateway and the Commercial District zoning.

III. PUBLIC NOTICE AND REFERRALS

Notice: Notice was sent to surrounding property owners within 300 feet of the property and a sign was posted on the property on November 24, 2021. Notice was published in the Siuslaw News on December 4, 2021.

Public Testimony: Testimony was received by the following below, with an overview of overall concerns:

Jack and Jane Norris: Whether or not units would be vacation rentals; if variances would be required for parking and other items; unit sizes; safety wall along Hwy 126; hill stabilization; does not believe project fits in visually with goals of ReVision Florence Project; and child safety.

Staff Response:

- *The City does not currently have code regulating vacation rentals.*
- *Any future variance requests would require a separate public hearing by the Planning Commission. Should the proposal be approved, the Planning Commission has the authority to place conditions to address their concerns for*

safety and screening such as requiring a wall between the development and the highway.

- *Due to the presence of Dune Land and Yaquina loamy fine sands, future development will require a Phase 1 Site Investigation Report and other land use applications that ensure that the soils will be mitigated.*

Mike Shaw: Integrity of the dune; whether or not there would be an HOA; elevations not shown on plan, and fencing requirements.

Staff Response:

- *Handling of the dune is explained above.*
- *There is no current proposal for an HOA.*
- *Elevations are not shown on the plans and are required per FCC 10-4-4 A. The applicant explains in the narrative (Exhibit B) that two-story homes are proposed on the northern area of the subject property.*

Kathy and John Stone: Opposed to the proposal, alluding to the Revision Florence Project. States properties would be devalued. That the view of the river would be less invasive as a commercial application and that this proposal could take away from the commercial property inventory for present and future uses; that cluster housing elsewhere would be less conspicuous.

Staff Response:

- *The east city gateway is located nearby.*
- *The Commercial District allows a maximum height of 35' same as the MDR*
- *The most recent inventory of vacant privately owned Commercial property within the City totals 16 acres.*
- *The proposal is not considered cluster housing.*

Jordan Stone: Concerned with impression to those entering the town, also echoing the Revision Florence Project's goal of beautifying the city. Discusses density and small lot sizes. Believes Commercial zoning is a right zoning for the 'right' business.

Referrals: Referrals were sent to Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians, Florence Building Department, Florence Public Works, Siuslaw Valley Fire and Rescue, and Western Lane Ambulance District, and Oregon Department of Transportation.

IV. APPLICABLE REVIEW CRITERIA

Florence City Code (FCC) Title 10

FCC 10-1: Zoning Administration, Section 1-6-3

FCC 10-4: Conditional Uses, Sections 3 through 11

Florence Realization 2020 Comprehensive Plan

V. REVIEW OF APPLICABLE CRITERIA

The criteria are listed in bold followed by the findings of fact.

VI. FINDINGS OF FACT

FLORENCE CITY CODE

TITLE 10: CHAPTER 1: ZONING ADMINISTRATION

10-1-1-6-3: TYPE III REVIEWS – QUASI-JUDICIAL 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:

7. Conditional Use Permits

B. Notification of Hearing:

- 1. At least twenty (20) days prior to a Type III (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.**
 - a. Notice shall also be provided to the airport as required by ORS 227.175 and FCC 10-21-2-4 and any governmental agency that is entitled to notice under an intergovernmental agreement with the City or that is potentially affected by the proposal. For proposals located adjacent to a state roadway or where proposals are expected to have an impact on a state transportation facility, notice of the hearing shall be sent to the Oregon Department of Transportation.**
 - b. For a zone change application with two or more evidentiary hearings, notice of hearing shall be mailed no less than ten (10) days prior to the date of the Planning Commission hearing and no less than ten (10) days prior to the date of the City Council hearing.**

- c. For an ordinance that proposes to rezone property, a notice shall be prepared in conformance with ORS 227.186 and ORS 227.175(8).
 - d. Notice shall be mailed to any person who submits a written request to receive notice.
 - e. For appeals, the appellant and all persons who provided testimony in the original decision.
2. Prior to a Type III (quasi-judicial) hearing, notice shall be published one (1) time in a newspaper of general circulation. The newspaper's affidavit of publication of the notice shall be made part of the administrative record.

Finding: Notice of the public hearing was posted on the subject property on November 24, 2021 and mailed to all property owners within 300 feet of the property. Notice was also published within the Siuslaw News one time on December 4, 2021. 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 criteria 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 criteria are available for inspection at no cost and will be provided at reasonable cost;

Finding: The provided notice contained all of the information listed in FCC 10-1-1-6-3-C. These criteria are met.

D. Hearing Procedure: All Type III hearings shall conform to the procedures of Florence City Code Title 2, Chapters 3 and 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.**

Finding: The applicant's proposal has been scheduled for the December 14, 2021 Planning Commission hearing, which will meet the standards of FCC 2-3 and FCC 2-10. These criteria are met.

TITLE 10: CHAPTER 4: CONDITIONAL USES

10-4-10: GENERAL CRITERIA: A conditional use permit may be granted only if the proposal conforms to all the following general criteria: (Ord. 669, 5-17-82)

- A. Conformity with the Florence Comprehensive Plan.**
- B. Compliance with special conditions established by the Planning Commission to carry out the purpose of this Chapter.**

Finding: FCC 10-4-11, below, lists conditions the Planning Commission can assign for conditional use permits.

- C. Findings that adequate land is available for uses which are permitted outright in the district where the conditional use is proposed. Available land can be either vacant land or land which could be converted from another use within the applicable zoning district. Land needs for permitted uses may be determined through projections contained in the Florence Comprehensive Plan or other special studies.**

Finding: The 2018 Housing Needs Analysis and Economic Opportunity Analysis identifies 16 privately owned acres of vacant land zoned Commercial District out of 370.2 acres total of privately owned vacant properties within the City. (Excerpt from p. 63, *Housing Needs Analysis and Economic Opportunities Analysis, Vol. 1 Summary Report, shown below*). The Planning Commission may determine

whether or not this is adequate amount of commercially zoned land for the future of Florence for the planning period.

Vacant Private-Owned Parcels In the City of Florence, 2017						Parcels/ Tax Lots					Land Area (acres)				
1						Vacant*					Vacant*				
						< 1 acre	1 to 5 acres	5 to 10 acres	> 10 acres	Subtotal Parcels	< 1 acre	1 to 5 acres	5 to 10 acres	> 10 acres	Subtotal Acres
City of Florence Zoning:	Zoning Type:	Gen. Class	Zoning Description												
	A	Emp.	AIRPORT DEVELOPMENT	2					2	0.2	0.0	0.0	0.0	0.2	
		Emp.	COMMERCIAL	82					82	16.0	0.0	0.0	0.0	16.0	
	C	Res.	COAST VILLAGE	11					11	1.2	0.0	0.0	0.0	1.2	
	H	Emp.	HIGHWAY DISTRICT	48	4				52	11.8	8.0	0.0	0.0	19.7	
	I	Emp.	PACIFIC VIEW BUSINESS PARK DISTRICT	2	1				3	0.9	1.4	0.0	0.0	2.3	
	IP	Emp.	PACIFIC VIEW BUSINESS PARK DISTRICT	3					3	1.3	0.0	0.0	0.0	1.3	
	LI	Emp.	LIMITED INDUSTRIAL	3					3	1.5	0.0	0.0	0.0	1.5	
	M	Emp.	MARINE DISTRICT						-	0.0	0.0	0.0	0.0	-	
	MH	Res.	MOBILE HOME/MANUFACTURED HOME	39	1			2	42	8.9	1.9	0.0	35.2	46.0	
	MSA	Emp.	MAIN STREET	15					15	1.9	0.0	0.0	0.0	1.9	
	MSB	Emp.	MAIN STREET/AREA B	9					9	1.6	0.0	0.0	0.0	1.6	
	NCD	Emp.	NORTH COMMERCIAL DISTRICT	4	1		1	1	7	2.1	4.4	7.0	13.3	26.8	
	OS	Other	OPEN SPACE						-	0.0	0.0	0.0	0.0	-	
	OTB	Mixed	OLD TOWN DISTRICT	4					4	0.7	0.0	0.0	0.0	0.7	
	OTC	Mixed	OLD TOWN AREA C				1		1	0.0	0.0	5.1	0.0	5.1	
	OTDA	Mixed	OLD TOWN DISTRICT/AREA A	5					5	1.2	0.0	0.0	0.0	1.2	
	POI	Emp.	PROFESSIONAL OFFICE/INSTITUTIONAL	65	5				70	13.3	4.4	0.0	0.0	17.7	
	RM	Res.	MULTIPLE FAMILY RESIDENTIAL	135					135	14.5	0.0	0.0	0.0	14.5	
	RR	Res.	RESTRICTED RESIDENTIAL	165	3			2	170	35.7	2.5	0.0	17.6	55.8	
	RS	Res.	SINGLE FAMILY RESIDENTIAL	86	4		3	5	98	14.0	6.7	18.3	109.1	148.0	
	SID	Emp.	SERVICE/INDUSTRIAL DISTRICT	1	3				4	0.6	5.2	0.0	0.0	5.8	
	WF/M	Emp.	WATERFRONT/MARINE						-	0.0	0.0	0.0	0.0	-	
									-	0.0	0.0	0.0	0.0	-	
Multiple Zoning:	RM/C	Mixed	RM						-	0.0	0.0	0.0	0.0	-	
	NCD/SID	Mixed	NCD		1				1	0.0	2.3	0.0	0.0	2.3	
		Mixed	SID		**				-	0.0	0.4	0.0	0.0	0.44	
				679	23		5	10	717	127.4	37.1	30.4	175.2	370.2	
Notes:															
* identified as vacant in Lane County assessor data															
** tax lot with multiple zoning															

Residences located on the north side of Hwy 126, east of Spruce St. and west of the Casino driveway, appear to be situated more than 100 feet from the highway right-of way. Additionally, there appears to be a degree of vegetated buffering and/or elevation changes between the homes and the highway itself. The proposal indicates that Butter Clam Ct., and Lots 1, 8 and 9 would directly abut Hwy 126 ROW without similar setback or buffering from the highway.

While it is true that Florence is experiencing a housing shortage, and that a pathway for additional housing has been provided through a conditional use permit in the Commercial District, such request may not be a good fit for the area and its potential future residents. With more recent residential projects that have been approved, including Three Mile Prairie a single-family attached development; and multi-family such as Shore Pines and Oak Manor, either by the nature of their location or a code requirement had residential lots and the structures away from higher classification streets. The subject property was annexed in 2016 under Ordinance No. 13, Series 2016 and assigned the implementing Commercial District zoning of the Commercial Plan designation. In 2002 when the Comprehensive Plan map was updated the designation for this property was changed from Highway to Commercial and with that action the implementing zoning changed also from the more permissive zoning to the more restrictive. Property in the area is zoned Highway District on the south side of Hwy 126 because they were annexed prior to the plan amendment of 2002. Residential setbacks from the highway in the Highway District, measured from the center line, are 100 feet and a 20' barrier with a height of 6' is required along the highway. Clearly, the intent

written into the City Code is to protect the interest of residents that live in that zoning district. Conditioning such a setback and/or buffer from the highway ROW will impact the design as proposed, which has been provided in order to request 9 lots but will also be in keeping with the existing residences including those in the MDR District.

The subject property lies east of one of five existing or proposed transportation gateways into the community. Chapter 12, p. XII-7 of the *Florence Realization 2020 Comprehensive Plan* specifically identifies Highway 126 as the “East Highway 126 Gateway.” Additionally, on p.II-12, this same document comments:

“The third area designated Commercial are lands north and south of Highway 126 and east of Quince Street. These lands were designated Highway Commercial in the 1988 Comprehensive Plan Map and zoned for commercial use by Lane County. Retail and service commercial professional offices, lodging and restaurant establishments are appropriate for this area. Upper story residences are encouraged where they can be protected from highway impacts.”

This comprehensive plan language supports commercial uses and residential only with protections from the highway and limits residential encroachment of the land base available for commercial uses.

D. Conditional uses are subject to design review under the provisions of Chapter 6 of this Title, except single family and duplex residential use. (Ord. 625, 6-30-80) See Code Section 10-6-3 for Design Review requirements.

Finding: Since this request entails single-family development, no design review is required. The criterion does not apply.

E. Adequacy of public facilities, public services and utilities to service the proposed development.

Finding: Developers are responsible for financing infrastructure to support their proposals. Referral comments have not been provided from Public Works as of the writing of these findings.

F. Adequacy of vehicle and pedestrian access to the site, including access by fire, police and other vehicles necessary to protect public health and safety. (Ord. 669, 5-17-82).

Finding: The proposed concept includes access to Vine St. from Hwy 126. Vine St.'s a right-of-way width is 60', which meets the minimum street width requirement. The proposed interior street off of Vine does not currently fit the minimum street width requirement and without more information, it is unknown if the east terminus of the proposed Butter Clam Street would provide adequate space for emergency vehicle

maneuverability. Meeting the street requirements, including the turn-around, would likely change the layout of the proposed site plan which could effectively decrease the number of lots/buildable area. As proposed the plan does not meet the criteria as it relates to FCC 10-4-10-F.

10-4-11: GENERAL CONDITIONS: The Planning Commission may require any of the following conditions it deems necessary to secure the purpose of this Chapter. Where a proposed conditional use is permitted in another district, the Planning Commission may apply the relevant development standards from the other district. In addition, conditions may be required by the Planning Commission. Such conditions may include:

- A. Regulation of uses, special yard setbacks, coverage and height.**
- B. Requiring fences, walls, screens and landscaping plus their maintenance.**
- C. Regulation and control of points of vehicular ingress and egress.**
- D. Regulation of noise, vibration, odors, and sightliness.**
- E. Requiring surfacing of parking areas.**
- F. Requiring rehabilitation plans.**
- G. Regulation of hours of operation and duration of use or operation.**
- H. Requiring a time period within which the proposed use shall be developed.**
- I. Requiring bonds to insure performance of special conditions.**
- J. Regulation of tree and vegetation removal to maintain soil stability, preserve natural habitat, protect riparian vegetation, buffer conflicting uses, and maintain scenic qualities.**
- K. Such other conditions as will make possible the development of the City in an orderly and efficient manner and in conformity with the intent and purpose of the Florence Comprehensive Plan.**

Finding: In reviewing this CUP request, the above code section provides the Planning Commission the authority to place conditions that may not otherwise be allowed outright with other applications. For example, although the Commercial District allows a height of 35 feet for commercial developments. With a conditional use permit request, however, the Commission is able to require a lesser height; however the argument brought up in testimony that views of the river would be impeded by two-story residences does not take into consideration the fact the commercial uses, by right, could place structures up to 35' which would have the same effect on the neighbors'

views. Additionally, the PC could require the lots meet the size, dimension, setback, and coverage criteria of the abutting MDR District for single family detached uses. Similarly, screening, buffering, and landscaping plus its maintenance may be conditioned with this application proposal to ensure the above listed criteria are addressed.

TITLE 10: CHAPTER 15: COMMERCIAL DISTRICT

10-15-1: PURPOSE: The Commercial District is intended to preserve and enhance areas within which a wide range of retail sales and businesses will occur.

10-15-3: BUILDINGS AND USES PERMITTED CONDITIONALLY: The Planning Commission, subject to the procedures and conditions set forth in Chapters 1 and 4 of this Title, may grant a conditional use permit for the following:

Single-Family, duet, and duplex dwellings

Finding: This proposal to construct a single-family detached subdivision in the Commercial District is only allowed through approval of a conditional use permit. The criteria for conditional uses are addressed in FCC 10-4-10. This criterion is met.

10-15-4: LOT AND YARD REQUIREMENTS:

A. Minimum Lot Dimensions: The minimum lot width shall be twenty five feet (25').

Finding: The dimensions of the existing property currently meet all minimum lot and yard requirements. As proposed, the minimum lot widths shown in the subdivision concept plan (Exhibit C) measure more than 25' in width;

B. Minimum Lot Area: The minimum lot area shall be two thousand five hundred (2,500) square feet.

Finding: All proposed lots fit the minimum lot area as it relates to the Commercial District. The smallest lot contains 3,461 sq ft. However, if the proposal is compared to the Medium Density Residential District zoning requirements, the minimum lot area for MDR is 5,000 sq. feet so the minimum lot area would not be met by MDR requirements.

C. Lot Coverage: Eighty-five percent (85%) lot coverage, unless a preservation credit is achieved in accordance with FCC 10-34-2-4.

Finding: The applicant did not supply specific information illustrating coverage for each lot. There is no vegetation in which to request a preservation credit. The percentage of lot coverage may be conditioned by the Planning Commission per FCC 10-4-11A because the minimum lot coverage in the Medium Density Residential District is 75%.

D. Yard Regulations:

1. **Front yards are not required except where setbacks have been established for road widening or other purposes.**
2. **Side and rear yards are not required except:**
 - a. **Where setbacks have been established for road widening or other purposes.**
 - b. **Where the commercial use abuts a residential use, see FCC 10-34-3-7-D.**

Finding: Since the request is for a conditional use permit to allow a residential development in a Commercial District, the Planning Commission may condition all yard regulations and also condition for buffers between other uses per FCC 10-4-11A and K to be similar to requirements in MDR or other zoning districts, such as the Highway District as previously discussed.

10-15-5: SITE AND DEVELOPMENT PROVISIONS:

- A. Building or Structural Height Limitations: The maximum building or structural height shall be thirty-five feet (35'). Residential dwellings and their associated structures refer to Section 10-10-5 of this Title for requirements.**

Finding: In the applicant's narrative (Exhibit B) the applicant proposes single-story development nearest the highway and some two-story development to the north of the property. The applicant states that the *"homes being planned would have low-profile rooflines to preserve the views of the Siuslaw River of the properties to the North and West."* The Planning Commission can require specific height limitations per FCC 10-4-11 A. From the most recent topographic study for a house constructed at the NW intersection of Vine and Vinca Ln, the dune bank at the north end of the subject property appears to be up to 31 feet in height. Of course, the bank varies in height throughout the remainder of the adjoining lots to the east of the newly constructed residence and north of the subject property. Again, as previously discussed, would limiting height make an impact given that if a commercial development were to go in, the height limitation is 35 feet. Low Density Residential also allows up to 35 ft in height outright.

FCC 10-10- 5 referenced above applies mainly to residential building or structural height limitations:

"Primary Structures: The maximum building or structural height shall be thirty-five feet (35'). Excepting High Density District which shall permit forty feet (40'), limited to three stories."

As discussed in the narrative of these findings, the current development proposal resembles Medium Density Residential development given the lot areas and widths.

More specifically, the lot areas are more in line with single-family attached housing than single family detached as proposed. A decision point for the Planning Commission is if the proposed lot sizes and density is in keeping with the intent of the Commercial District and the Florence Realization 2020 Comprehensive Plan.

As mentioned earlier, there was public testimony that voiced concerns that the proposal will block the north and west neighboring views of the Siuslaw River. This could be the case also with a permitted commercial or mixed use. But with a conditional use the PC can impose more restrictions.

B. Fences, Hedges, Walls and Landscaping: Refer to 10-34 of this Title for requirements.

Finding: No fencing or landscape buffers have been proposed. The landscaping and fencing and buffering requirements of FCC 10-34 do not apply to single-family dwellings; however, as previously discussed, the Planning Commission can require these features per FCC 10-4-11 B.

C. Parking and Loading Space: Refer to Chapter 3 of this Title for specific parking requirements.

D. Vision Clearance: Refer to Section 10-2-13 and 10-35-2-14 of this Title for definitions, and requirements.

E. Signs shall be in accordance with Title 4, Chapter 7 of this Code. (Ord. 4, 2011)

F. Access and circulation: Refer to Section 10-35 of this Title for requirements.

G. Public Facilities: Refer to Section 10-36 of this Title for requirements.

H. Open Space is required for residential housing developments of 4 or more units as follows:

- 1. An area on the site measuring a minimum of 100 square feet per dwelling unit shall be designated and permanently reserved as common open space.**
- 2. In meeting the open space standard, the multiple family development shall contain one or more of the following: outdoor recreation area, protection of sensitive lands (e.g., trees or bank vegetation preserved), play fields, outdoor playgrounds, outdoor sports courts, swimming pools, walking fitness courses, pedestrian amenities, or similar open space amenities for residents.**

3. To receive credit under this section, a common open space area shall have an average length that is not less than twenty feet (20').
4. Any common areas shall be owned as common property and maintained by a homeowners association or other legal entity. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.

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

J. Residential and mixed-use development refer to Section 10-6-5-2 of this title for requirements. However, a conditionally approved use may require application of the relevant development standards from a district where the use is permitted outright to include but not limited to setbacks and lot coverage. The more restrictive standards would apply.

Lighting, parking, vision clearance, signage, and public facilities would be reviewed with subsequent applications for subdivision and building permits. No information or narrative to suggest intended compliance with these criteria was provided. Item J restates the earlier criteria that offers the PC the opportunity to permit a conditional use by applying the criteria from the zone where the use is permitted outright. The abutting zoning is Medium Density. Given the abutting highway location and concern for protecting future residents and adjacent commercial uses Medium Density standards would be appropriate if a CUP was granted in whole or part. However, the Planning Commission may impose stricter conditions should they decide they are warranted.

10-15-6: GENERAL PROVISIONS:

- A. Yards and open areas shall not be used for the storage, display or sale of used building materials, scrap or salvage.
- B. Where there is manufacturing, compounding, processing or treatment of products for wholesale, the front twenty five feet (25') of the building's ground floor facing the principal commercial street shall be used for commercial sales, business or professional offices.
- C. Any use allowed must not cause unreasonable odor, dust, smoke, noise, vibration or appearance.

Finding: FCC 10-15-6 A through C do not generally apply to the nature of single-family residential development and are more applicable with commercial development.

VI. CONCLUSION

The request for a Conditional Use Permit to construct a single-family residential development as proposed does not meet the intent of the underlying Commercial zoning district nor the intent the Florence Realization 2020 Comprehensive Plan.

VII. EXHIBITS

- A. Finding of Fact
- B. Application
- C. Site Plan & Rendering
- D1 through D4 - Public Testimony