

**CITY OF FLORENCE  
PLANNING COMMISSION**

**RESOLUTION PC 08 09 PUD 01**

A REQUEST FOR APPROVAL OF A PRELIMINARY PLANNED UNIT DEVELOPMENT PERMIT FOR A 17-ACRE MIXED USE DEVELOPMENT LOCATED AT 87344 MUNSEL LAKE ROAD AT THE SOUTH EAST CORNER OF HIGHWAY 101 AND MUNSEL LAKE ROAD, MAP #18-12-14-20, TAX LOT 700 (CANNERY HILL).

**WHEREAS**, application for Preliminary Planned Unit Development (PUD) was made by Cannery Hill, LLC, who was represented by Arlie & Company, as required by FCC 10-1-1-4 and FCC 10-23; and

**WHEREAS**, the Planning Commission/Design Review Board met in a duly advertised public hearing on August 26, 2008 to consider the application, evidence in the record and testimony received as per FCC 10-1-1-5; and

**WHEREAS**, the Planning Commission/Design Review Board continued the public hearing to September 9, 2008, closed the record to oral testimony and left the written record open;

**WHEREAS**, the Planning Commission/Design Review Board received a request from the applicant on September 23, 2008 to extend the 120-day decision-making deadline by 60 days;

**WHEREAS**, in response to the applicant's request, the Planning Commission/Design Review Board left the written record open to October 14, 2008 on September 23, 2008;

**WHEREAS**, the Planning Commission/Design Review Board deliberated on the matter October 28, 2008 and November 5, 2008;

**WHEREAS**, the Planning Commission/Design Review Board accepted comments from Lane County Transportation Planning Division on November 5, 2008 and rebuttal comments from the applicant on November 12, 2008;

**WHEREAS**, the Planning Commission/Design Review Board made a final decision on November 12, 2008;

**WHEREAS**, the Planning Commission/Design Review Board determined per FCC 10-23, after review of the application, testimony and evidence in the record, that the application meets the applicable criteria, or can meet the criteria through compliance with certain Conditions of Approval;

**NOW THEREFORE BE IT RESOLVED** that the Planning Commission/Design Review Board of the City of Florence finds, based on the Findings of Fact and the evidence in

record that the requested Preliminary PUD is approved with modifications and conditions described as follows:

**APPROVAL INCLUDES:**

1. Development within the Cannery Hill PUD shall not exceed the following maximum land use intensities (see Exhibit 45, Sheet A1.0 Site Plan):

Cannery Hill PUD Maximum Land Use Intensity

<u>Development Type</u>	<u>Maximum Intensity</u>
Commercial*	75,900 square feet
Senior Housing	82 units
Mid-Rise Apartments	90 units
Duets & Townhouses	20 units

\* Includes all non-residential uses, such as restaurant, medical office, general office, retail, bank, senior center, and hotel.

Open Space: The Preliminary PUD includes 20 percent of the net developable area as open space with Tracts A through D meeting 18.4 percent of the open space and the remaining 1.6 percent of open space designated within blocks at the time of Final PUD (see Exhibit 45, Sheet A1.1). In the event that a pedestrian connection is requested by the Florentine Estates Homeowners Association, it will not subtract from the 20% of open space.

2. All streets include sidewalk and planting areas as shown on Exhibit 45, Sheets C6.0, C6.1, C6.2 and LA-2.
3. One transit stop is provided. However due to route scheduling, until a traffic light is installed, the Rhody Express is unable to service this location.

**MODIFICATIONS:**

The Preliminary PUD is approved with the following modifications described below and illustrated in Exhibit 45, Sheet A1.2 Code Standards and Modifications:

1. The minimum setback requirement from highways and other arterials as specified in FCC 10-30-5-A is modified to allow portions of the parking area on lots 6 and 7 to be within the landscape setback along Highway 101 as illustrated on Exhibit 45, Sheet A1.2, provided the width of the Highway 101 planting and sidewalk area is at least thirty feet (30'). The width of the planting and sidewalk area shall be measured from the eastern edge of the pavement (eastern edge of bicycle lane) on Highway 101 as shown on Exhibit 45, Sheet LA-5.
2. The minimum setback requirement from side streets as specified in FCC 10-30-5-B is modified to allow:
  - a. Portions of the building facades to be a minimum of 1 foot from the property line/Redwood Street right-of-way, as illustrated on Exhibit 45, Sheet A1.2, with

- the condition that within the planting and sidewalk area along Redwood Street, an 8-foot sidewalk is provided (the 8-foot sidewalk clear walkway is illustrated on diagram 2 and 3 on Sheet A1.2 of Exhibit 45);
- b. Portions of the building facades to be a minimum of 8 feet from the property line along the Spruce Street and 47<sup>th</sup> Street right-of-way, as illustrated on Exhibit 45, Sheet A1.2, with the condition that within the 10.5-foot planting and sidewalk area along Spruce Street and 47<sup>th</sup> Street, a 6-foot sidewalk is provided (the 10.5-foot planting and sidewalk area is illustrated on Exhibit 45, Sheets C6.0, C6.1 and C6.2); and
  - c. Residential porches to be a minimum of 4 feet from the property line/Spruce Street right-of-way as illustrated on Exhibit 45, Sheet A1.2.
3. The minimum lot size and dimensions as specified in FCC 10-30-5-G & -H are modified to allow:
- a. Lot dimensions to be a minimum of 30-feet wide and 55 feet deep for residential lots 13 thru 32; and
  - b. Lot areas to be a minimum of:
    - i. 14,500 square feet for commercial lots 7 – 10; and
    - ii. 2,500 square feet for residential lots 13 – 32 (residential lots 29 – 32 on Exhibit 45, Sheet A1.2 shall be changed to meet the 2,500 square foot minimum lot size).
4. The subdivision platting and mapping standards for street width as specified in FCC 11-5-1-B is modified (as illustrated in Exhibit 45, Sheets C6.0, C6.1 and C6.2) to allow:
- a. Portions of Redwood Street to be less than the minimum standard of 60 feet of right-of-way and 36 feet of pavement, by allowing portions of Redwood Street to be minimum of 57 feet of right-of-way and 32 feet of pavement; and
  - b. Spruce Street to be less than the minimum standard of 34 feet of pavement, by allowing a minimum of 28 feet of pavement.

**CONDITIONS:**

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

**1. Approval shall be shown on:**

- Exhibit 1: Findings of Fact
- Exhibit 3: Land Use Application -- Exhibit D *Draft CC&Rs*, Dated March 26, 2008 (to be amended to meet Condition 13)
- Exhibit 3: Land Use Application -- Exhibit H *Traffic Impact Analysis (TIA)*, Dated Aug. 8, 2008
- Exhibit 30: Revised TIA Figure 1C, *RIRO Access from Hwy. 101*; and Figure 1D, *North Entry (Redwood Street) from Munsel Lake Road* of Applicant Response Letter from JRH
- Exhibit 44: Applicant Response -- Letter from JRH Regarding: *Cannery Hill Off-site Improvements*, Dated Oct. 14, 2008
- Exhibit 45: Land Use Application Drawings, Revised and Submitted Oct. 14, 2008 (with amendments to residential lots 29 – 32 from 1,900 s.f. to 2,500 s.f., and to the location of the wall on the eastern property line from the south end of the property to a point parallel to the north end of Lot 451 in Florentine Estates)

Findings of Fact attached as Exhibit "1" are incorporated by reference and adopted in support of this decision. Any modifications to the approved plans or changes of use, except those changes relating to the interior regulated by Building Codes or those needed to comply with conditions of approval, will require approval by the Community Development Director or Planning Commission/Design Review Board. All required site improvements shall be made prior to final inspection and occupancy unless the City agrees to a performance agreement and financial security.

2. Regardless of the content of material presented for this Planning Commission decision, 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 the date the application was submitted (March 28, 2008), EXCEPT where modification 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 the associated Conditions of Approval. In the event that modifications to the approved plans or change of use are approved by the Community Development Director or Planning Commission/Design Review Board, the codes in place at the time the application for a modification is submitted will apply.

3. Off-site roadway improvements shall include the following, as illustrated in Exhibit 30: Revised TIA Figure 1C, *RIRO Access from Hwy. 101*, and Figure 1D, *North Entry (Redwood Street) from Munsel Lake Road*, Exhibit 45 Sheet C6.0 *Street Plan*, and Exhibit 49 *Munsel Lake Road Improvements* (lane widths shall meet County requirements).

- a. A new public all-way access street connection to Munsel Lake Road (Redwood Street) approximately 400 feet east of Highway 101 and 290 feet west of Spruce Street.

- b. Dedication of right-of-way and roadway widening of Munsel Lake Road in order to provide a three-lane section between Highway 101 and the eastern property line of the subject property to accommodate separate westbound left turn lanes on Munsel Lake Road at Redwood Street and at Highway 101. Road-widening will also include a bicycle lane, landscape planting strip and sidewalk on the south side of Munsel Lake Road. Dedication and roadway width on Munsel Lake Road shall meet county TSP and Lane Code Chapter 15 requirements and provide for a minimum right-of-way width of 70 feet, and a building setback a minimum of 30 feet from the right-of-way.
- c. A new public right-in-right-out street connection to Highway 101 (47<sup>th</sup> Street) approximately 992 feet south of Munsel Lake Road. Note: This condition does not limit the developer from seeking ODOT approval for a street connection that provides greater access.
- d. Roadway widening to Highway 101 in order to provide a second northbound through-lane from the southern end of the property to the Munsel Lake Road intersection; the second northbound through-lane will act as a de-facto right turn lane at 47<sup>th</sup> and at Munsel Lake Road because there is currently only one north-bound lane on Highway 101 north and south of the project site. A striping and traffic control plan for interim conditions will be necessary until widening occurs north and south of the project site with ODOT coordination.
- e. Urban style improvements with bike lanes, sidewalk, planter strips, curbs and gutters that extends the entire length of the property frontage on Highway 101 and on Munsel Lake Road.

4. Maintenance of the Highway 101 right-of-way must be coordinated between the applicant and ODOT as the City will not be responsible for maintaining the Highway 101 right-of-way.

5. Final PUD is authorized to be processed in phases along with each subdivision application (per FCC 10-23-10 last paragraph), with the following conditions:

- a. Within twelve (12) months following this approval of the Preliminary PUD, the applicant shall file with the Planning Commission a Final PUD and Design Review application for Phase 1. Within three (3) years following the approval of the Final PUD for Phase 1, the applicant shall file with the Planning Commission a Final PUD and Design Review application for Phase 2. Subsequent phases shall continue to be submitted within eighteen (18) months of the prior approved phase. The Final PUD and Design Review application for the last remaining phase shall be submitted within ten (10) years following this approval of the Preliminary PUD.
- b. Phasing is not bound by the sequence or time-frame anticipated for each phase, as presented in Exhibit 45, Sheet A1.3 of the Preliminary PUD application, with the condition that the Final PUD and Design Review application for the last remaining phase shall be submitted within ten (10) years following the approval of the Preliminary PUD.
- c. At each phase of the Final PUD, the applicant shall demonstrate substantial compliance with the approved Preliminary PUD and all applicable conditions.

- d. At each phase of the Final PUD, the applicant shall demonstrate that all public services can be provided.
- e. At each phase of the Final PUD, the applicant shall provide monitoring information and traffic data in order to assess needed mitigation of traffic impacts for that development phase, and propose appropriate mitigation for that development phase.
- f. At each phase of the Final PUD, the applicant shall provide a supplemental analysis assuring operational safety and adequate geometric design of intersections shall be provided for on-site circulation and delivery truck as well as any proposed transit vehicle access.
- g. At each phase of the Final PUD, the applicant shall provide a calculation of the square footage proposed for each of the land uses within the current phase, as well as the cumulative calculation of the square footage that has been achieved in any previously approved and/or developed phases. Any increases to the maximum land use intensities described above require approval from the Planning Commission and the applicant to submit new traffic calculations showing, as a result of the proposed changes that projected p.m. peak hour trips from the combination of the proposed uses will be less than or equal to 589 trips, based on the Institute of Transportation Engineer's Trip Generation Manual.
- h. At each phase of the Final PUD, the applicant shall demonstrate that a minimum of 20 percent of the net developable area within the current phase combined with any previously approved phases will be dedicated as common open space to be owned in accordance with FCC 10-23-5-G and maintained in accordance with FCC 10-23-6.
- i. Before installation of public improvements for the "South 47<sup>th</sup>" or the "Spruce" Phase of the PUD (as illustrated in Exhibit 45, Sheet A1.3) has begun, the wall between Florentine Estates and the project site shall be constructed.

6 The pavement on Redwood Street shall be designed to handle the size and weight of any proposed transit vehicle expected to be used with consideration to the annual number of trips to be made by the service.

7. A minimum of one covered parking space per single-family home on lots 13 through 32 (per FCC 10-23-5-E) is allowed with the condition that: 1) the driveway is a minimum of 19 feet in depth to allow a second car to park on-site, and 2) the required covered parking space shall not be converted into a living space.

8. If the cottage-style units on the assisted living campus (lot 2) include a garage or carport, the following driveway standards, measured from the property line shall apply:

- Garage: 19-foot minimum driveway length; and
- Carport: 3-foot maximum or 19-foot minimum driveway length, and where carports are located 3 feet from the property line, the carport shall not have walls or doors forward of the building setback line. (A carport is an open-sided automobile shelter.)

9. **Prior to application for Phase I Final PUD**, the applicant will present to the Community Development Department a signed "Acceptance Agreement" of all conditions of approval.

10. **Prior to application for Phase I Final PUD**, the applicant shall have applied for all necessary removal-fill permits and/or drainage into wetlands from the Department of State Lands and from the US Army Corps of Engineers.

11. **Prior to Phase I Final PUD approval**, the applicant shall change the project name from Cannery Hill to Munsel Crossing or another more appropriate project name in order to avoid duplication of place names within the City.

12. **Prior to Phase I Final PUD approval**, the applicant shall submit plans for the entire 17-acre site to the City and receive approval from Public Works and Community Development for the following:

- a. An alternate solution to having a sewer pump station at the north end of project and examine the feasibility of providing gravity sewer service to the entire project site;
- b. Grading and Erosion Control Plan;
- c. Vegetation Clearing and Re-vegetation Plan;
- d. Stormwater Management Plan;
- e. Utility Plan for Sewer within the public way, which includes field verification of the sanitary sewer rim and invert elevations on Highway 101; and
- f. Utility Plan for Water within the public way, which includes an extension of an 8-inch water line southerly along Hwy 101 frontage and terminate at the south property line with standard 2-inch blow-off assembly (if feasible, given site constraints, a fire hydrant is preferred).

These plans shall include a development schedule to address the phasing of the project.

13. **Prior to Phase I Final PUD approval**, the CC&Rs will need to be revised to include the following amendments:

- a. Buildings as defined by FCC 10-1-4 are prohibited within the 35-foot setback from the eastern property boundary next to Florentine Estates;
- b. The required covered parking shall not be converting to living space; and
- c. Dedication and maintenance of open space shall be in accordance with FCC 10-23-5-G and FCC 10-23-6.

14. **As part of Final PUD and Preliminary Subdivision Plan application for any phase abutting or requiring access to Munsel Lake Road**, the applicant shall obtain an access permit to Munsel Lake Road from Lane County and provide for additional right-of-way on Munsel Lake Road to meet a minimum of 70-foot wide right-of-way, and building setback a minimum of 30 feet from the right-of-way line, consistent with Lane Code Chapter 15 as shown on Exhibit 49.

15. **As part of the Final Subdivision Plat application for any phase abutting or requiring access to Munsel Lake Road**, the applicant shall dedicate the necessary right-of-way to meet the minimum 70-foot wide right of way for Munsel Lake Road.
16. **Prior to Final Subdivision Plat Approval for any phase abutting or requiring access to Munsel Lake Road**, the applicant shall have secured a facility permit for the Munsel Lake Road improvements, and the related construction drawings shall be approved by Lane County.
17. **Prior to Phase I Final Subdivision Plat Approval**, applicant shall have secured all approach permits deemed necessary by the Oregon Department of Transportation (ODOT).
18. **Prior to issuance of a Certificate of Occupancy for each development phase**, applicant shall have mitigated associated traffic impacts as determined and approved by ODOT. The design and construction of the proposed improvements to mitigate the traffic impacts must be approved by ODOT and be consistent with the requirements of the approved permits.
19. **Prior to Final Subdivision Plat Approval for any phase abutting 47<sup>th</sup> Street (unless ODOT determines it is needed sooner)**, applicant shall construct a new public street connection to Highway 101 (47<sup>th</sup> Street) approximately 992 feet south of Munsel Lake Road.
20. **Prior to issuance of a Certificate of Occupancy for any phase abutting or requiring access to Munsel Lake Road**, all Munsel Lake Road improvements, including pedestrian and landscaping improvements, shall be completed. Applicant shall provide a statement of completion of off-site improvements from Lane County to the City to show that this requirement has been met.
21. **As part of the Final PUD application for the applicable phase**, the south ends of Spruce and Redwood Streets shall be designed to address vehicular turn-around provisions such as a cul-de-sac or other acceptable standard dead-end treatment.
22. **As part of the Final PUD application for the applicable phase**, a pedestrian refuge shall be incorporated into the design of the median at the intersection of the 47th Street and Highway 101.
23. **Prior to Final Subdivision Plat approval of those areas affected by a wetland**, the applicant shall 1) have acquired all required permits, such as removal-fill permit and/or drainage into wetlands from the Department of State Lands (DSL), and from US Army Corps of Engineers (USACOE), and 2) record a deed restriction to prevent current and future impacts to wetland areas with Lane County Deeds and Records and provide a copy to the City.
24. **Prior to Final PUD approval of each phase**, the applicant shall meet the



following requirements of the Florence Public Works Department:

- a. Streets shall meet requirements of Public Works in order to be dedicated to the City and for any street proposed to be private, the developer is to provide a means through an owners association, to ensure maintenance of the street and other private infrastructure is provided.
- b. Construction drawings shall include:
  - i. Profiles of all utilities (sanitary sewer, stormwater and water);
  - ii. All service lateral locations, including water meters, Fire Department Connection (FDC) and Double Detector Check Valve (DDCV) assembly locations;
  - iii. Street light design and locations; and
  - iv. Standards for all utilities (sewer, water, stormwater, street lighting).

**25. Prior to Final PUD approval**, a zoning variance application shall be submitted by the applicant to the Community Development Department if a variance is requested from the parking aisle width of FCC 10-3 Off-Street Parking and Loading standards in effect on March 28, 2008.

**26. As part of the Spruce Phase Preliminary and Final Subdivision applications**, the applicant shall include the 35-foot setback line from the eastern property line on the plan/plat.

**27. As part of the Design Review application**, a lighting plan shall be submitted to the Community Development Department, which includes pedestrian scale, lower intensity, downward directed lighting, with lighting levels measured in foot-candles.

**28. As part of the Design Review application**, building elevations shall be submitted to the Community Development Department and the design and materials will be evaluated for consistency with the coastal village character of Florence.

**29. Prior to issuance of a building permit**, a soils report and verification of soils bearing capacity and a grading plan, including storm-water design is required. The plan must be prepared by a registered engineer.

**30. Prior to initiating site development**, the applicant shall submit a permit application to DEQ for a 1200-C construction stormwater permit with Erosion and Sediment Control Plan, and provide a copy of the approved plan and permit to the Community Development Department.

**31. Prior to initiating site development**, the applicant shall contact the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians at a least 72 hours notice prior to any ground disturbing activities, so a tribal representative can be present during these activities; and if any known or suspected cultural resources are encountered during any phase of the project, contact the Tribes immediately.

## Further Requirements:

### Oregon Department of Transportation:

1. ODOT's bike/ped specialist requested that the sidewalk along Highway 101 be straightened out to lessen the meandering. The District Manager has requested that the sidewalk either be constructed roadside per ODOT standard drawings or if the sidewalk is desired to be placed a considerable distance from the roadway that the Developer will be required to assume maintenance of it.
2. A signal request will need to be submitted for Munsel Lake Road. The TIA shows a signal is warranted at Munsel Lake Rd and Hwy 101. Therefore a signal application request form will need to be submitted. The mitigation determined from the subsequent analysis will be a requirement of the approach application whether it be a signal, additional lane(s) or alternate solutions.

### Lane County

Lane County facility permits are required to review the new roadway approach and storm drainage works. The following requirements must be met as part of the facility permit process.

1. All requirements of the facility permits shall be met, constructed, inspected, and approved as specified in the issued facility permit. Facility permit requirements are in LC 15.200-210.
2. Per LC 15.138(6), the facility permit application shall include a copy of site plans for new development showing the location and width of access serving the property at the intersection of the property and road right-of-way, including all driveway and road approaches to be retained, relocated, added or closed on the subject property, and adjacent properties as necessary to assure conformance with spacing standards.
3. Standards for private approaches on County Roads, as specified in LC 15.139, must be met in the issued facility permit.
4. The application shall include a complete set of design plan and specifications.

In addition, Redwood Street as proposed, meets the County's roadway spacing standards. However, Lane County has noted that the limited 400 feet storage at the intersection approach may not be adequate to serve the peak traffic of 2020. The applicant should review the plan to accommodate the future queue length requirement.

### City of Florence Transportation Engineer

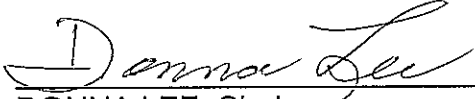
Public street intersections shall be designed to avoid placing pedestrians crossing between or behind queued vehicles, and do not require the pedestrian to walk significantly out of direction of travel to cross the street. These intersections should be conventional curb return type approaches with crosswalks in front of the queued vehicles for the purpose of pedestrian safety.

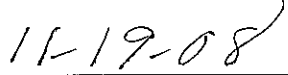
### City of Florence Building Official

Building permit requirements will include submittal of detailed construction plans showing compliance with Oregon "Specialty" (Building, Plumbing, Electrical, and

Mechanical) Codes as appropriate to the use, including the Oregon Fire Code requirements for access and water supply for "Fire Flow" (OFC Appendices B & D, etc.). All "R" (residential) and R/mixed use occupancies require automatic fire suppression systems per Chapter 9 of the OSSC. Commercial use buildings require seismic detailing provisions of OSSC 1613 or ASCE-7 with appropriate criteria for the site class and location. The Siuslaw Valley Fire District and Building Department must approve access, fire department connections, and installed fire sprinkler systems. The buildings and site shall meet Americans with Disabilities Act and Oregon accessibility requirements.

**ADOPTED BY THE FLORENCE PLANNING COMMISSION** the 12<sup>th</sup> day of November, 2008.

  
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DONNA LEE, Chairperson  
Florence Planning Commission

  
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DATE