

FINDINGS OF FACT (draft)
FLORENCE PLANNING COMMISSION
Exhibit “A”

Public Hearing Date: May 28, 2024 **Planner:** Roxanne Johnston
Application: PC 24 13 CUP 09

I. PROPOSAL DESCRIPTION

Proposal: A request for a conditional use permit to construct a caretaker unit in an existing warehouse building.

Applicant: Daphne Conner & Shawn Flemming

Property Owners: Shawn Fleming Construction, Inc.

Location: 1732 Laurel Way, Suite A

Site: Map # 18-12-27-10, Tax Lot 00140

Comprehensive Plan Map Designation: Business/Industrial Park

Zone Map Classification: Limited Industrial (LI)

Surrounding Land Use / Zoning:

Site: Limited Industrial (LI)
North: Limited Industrial (LI)
South: Limited Industrial (LI)
East: Mobile Home/Manufactured (RMH)
West: Limited Industrial (LI)

Streets / Classification:

West – Laurel Way / Local; South – 17th Place /Local; East – none; North – 18th Place/ Local

II. NARRATIVE:

Application: The applicant purchased this property in 2019. The subject building is a warehouse containing five units (from west to east): A, B, C, D and E constructed in 1996. According to Exhibit C, which contains the floor plans for both the existing and proposed spaces, the applicant proposes to replace two unpermitted offices and storage space located on a second floor within Unit B with an @ 448 sq. ft. caretaker’s unit. This unit is proposed to contain a bathroom and kitchen and an additional 100 square feet, and relocated stairs to accommodate the extra square footage.

The applicants’ reason for this Conditional Use Permit request is to ensure the security of the site, which has experienced suspicious activities as described in police reports provided within Exhibit B. A caretaker would be on site full-time.

Background:

Land Use--Prior to the building's construction, the 5,924 sq. ft. warehouse and other site improvements received Design Review approval January 10, 1995 as File # 95 1 10 4 DRB (Exhibit D). The approved site plan indicated that Units A and B were to each have one office and restroom on the ground floor with no other infill in these or the other units.

Condition 1 from Resolution PC 95 1 10 4 DRB (Exhibit D) required a detailed landscape plan including a list of plant materials and provisions for an automated irrigation system for all landscaped areas be submitted for review and approval prior to issuance of a building permit. A landscape plan meeting this condition is not in the files. Nevertheless, permits were issued and landscaping was installed. The current applicant's site plan submitted for the caretaker unit includes the specificity requested in the 1995 approval. It is missing the landscape list but anticipate it is available with the rest of the plans the applicant had access to when drawing up the addition for this application. To fulfill the 1995 condition and ensure compliance with current applicable codes, provision of the associated landscape planting list is conditioned later in these findings.

The warehouse fronts to the south, towards the parking lot. The minutes from the 1995 Design Review (Exhibit D) hearing discuss deliberation of the parking lot access aisle width (between the building and the parking spaces), with consideration of reducing the warehouse square footage or removing the 2 ft. width of landscaping to provide the additional maneuvering area to get closer to meeting the required 25 ft. access aisle. The approved motion included a 22 ft. access aisle. Site pedestrian walkway access is not typically available within the Limited Industrial District because the code (2010) is relatively new compared to the existing development (1990's). Installing a pedestrian walkway along the front of the building to the street would inhibit vehicular movement as vehicles back up into the parking lot aisle. Shrubbery against the building front has been planted within 2' strips along either side of the entry doors, and if removed for the parking aisle, would still not allow room for a 5' interior walkway which is required of new development.

Presently, of issue, there is at least one business other than "warehousing" within the building that appears to have not received a change of use review. These reviews are performed mainly to assess the amount of parking needed and available but also look at other code criteria that may apply due to a change of use. Specifically, a cross-fit gym is operating out of Unit C which consists of approximately 1,144 sq. ft. Rekindled Restorations appears to be mostly warehousing with a manufacturing component related to furniture restoration. With each change of use there are some aspects of the site that must be up to current codes. The applicants are required elsewhere to submit a Change of Use for the gym and any other current uses that have not been reviewed by the City. The Findings in Exhibit D the 1995 design review state:

"Parking spaces proposed for this building exceed the minimum requirements for an office/warehousing operation. It is conceivable, however, that use of the building may change in the future requiring additional parking. Any change in proposed use for this building should require additional review by the Planning Commission to determine whether additional (sic) parking may be required."

Further review of parking is discussed below, under FCC 10-3.

Construction Permitting--A structural permit was issued for the warehouse under permit #006659 on November 27, 1995, and was finalized on November 4, 1996. Permit records show that on February 23, 1996, a structural permit (#006710) was issued to construct a 689 sq. ft. second floor addition (no plans are in the record, so the unit # is unknown). The permit form says it was added on to application #006695. (Exhibit E). On May 31, 1996 a structural permit was issued (#006865) for an @ 466 sq. ft. interior enclosed addition in Unit D consisting of a 64 sq. ft. restroom, 333 sq. ft. room and 72 sq. ft. room, with insulated subfloor installed as the ceiling. The building records for permit applications #006710 and #006865 are stamped "expired" and have no inspections annotated. The appraiser's records dated July 1, 1996, indicate a 676 sq. ft. 2nd floor office in unit A, and four total restrooms. This 2nd floor office in Unit A is likely the product from expired permit #006710. It is unknown whether the appraiser's records are from an on-site visit or some other source.

Altogether, 5 restrooms are installed, one in each unit. Even though permit applications for all of these restrooms were issued, two were finalized on April 2, 1996: one in Unit B and another in Unit C.

Note that there is an addressing error in the original Design Review and some of the building permits referencing the warehouse being located at 1236 17th PL instead of 1732 Laurel Way. There is no archived building record file for 1236 17th Place.

NOTICES & REFERRALS:

Notice: On May 8, 2024, notice was mailed to surrounding property owners within 300 feet of the property. The property was posted on May 8, 2024. Notice was published in the Siuslaw News on May 22, 2024.

At the time of this report, the City has received no public testimony.

Referrals: Since this project is infill of an existing building using existing utility connections, no referrals were sent for this application. Police records were provided with the application by the applicant. Planning staff have worked closely with the Building permit staff on the application.

III. APPLICABLE REVIEW CRITERIA

Florence City Code, Title 10:

- Chapter 1: Zoning Administration, Sections 1-4, 1-5; 1-6-3; 1-7
- Chapter 3: Off-Street Parking & Loading, Sections 2-B, 4 through 6, and 8 through 10
- Chapter 4: Conditional Uses, Sections 5 through 8, 10, 11 & 12H
- Chapter 20: Limited Industrial (LI), Sections 2 & 5
- Chapter 34: Landscaping, Sections 2 through 5
- Chapter 35: Access & Circulation, Section 3-2
- Chapter 36: Public Facilities, Section 2-18
- Chapter 37: Lighting, Section 2-C

Resolution/Decision: PC 95 1 10 4 DRB

IV. FINDINGS: CONDITIONAL USE PERMIT

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:**

[...]

- 6. Conditional Use Permits.**

[...]

The applicant proposes constructing a unit within a warehouse located in the Limited Industrial District, which requires a Type III Conditional Use Permit process that includes a quasi-judicial public hearing by the Planning Commission. This criterion is met through this review process.

The area is mainly characterized within the Limited Industrial District by warehouses with bays used for trades such as the Siuslaw Valley Electric, Inc buildings south of the subject property; Ray Wells, Inc. located to the north; and a business fronting 17th Place with a service repair shop west of the subject property to name a few. Residential uses are located east of the subject property within the Mobile Home/Manufactured District.

- 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.**

- d. Notice shall be mailed to any person who submits a written request to receive notice.**

- 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.**

Notice of the public hearing was posted on the subject property and mailed to all property owners within 300 feet of the property on May 8, 2024. Notice was published within the Siuslaw News one time on May 22, 2024. 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;
- g. State that a copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing and will be provided at reasonable cost;
- h. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
- i. Include the name of a local government representative to contact and the telephone number where additional information may be obtained.

The provided notice contained all 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.

The Planning Commission held a public hearing on May 28, 2024 which met the standards of

FCC 2-3 and FCC 2-10. These criteria are met.

TITLE 10: CHAPTER 3: OFF-STREET PARKING AND LOADING

10-3-2 : GENERAL PROVISIONS:

- A. The provision for and maintenance of off-street parking and loading spaces are continuing obligations of the property owners. No building or other permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space.**
- B. At the time of new construction or enlargement or change in use of an existing structure within any district in the City, off-street parking spaces shall be provided as outlined in this Chapter, unless requirements are otherwise established by special review or City Council action. Additional parking spaces shall meet current code.**
- C. If parking space has been provided in connection with an existing use or is added to an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this Chapter.**
- D. Required parking spaces shall be available for the parking of passenger automobiles of residents, customers, patrons and employees, and shall not be used for loading and unloading during operations during regular business hours.**

Per FCC 10-3-2, required parking spaces shall be maintained and shall not be eliminated, used for the storage of materials of any type, or used for loading or unloading operations during business hours. [\[Informational 1\]](#)

Parking will be further reviewed under FCC 10-3-3 and FCC 10-3-8 because the proposal represents new infill construction for an additional use in an existing structure and subsection B above requires off-street parking spaces to be provided as outlined in this chapter.

10-3-4: MINIMUM REQUIRED PARKING BY USE: During the largest shift at peak season, fractional space requirements shall be counted as the next lower whole space (rounded down). Square footages will be taken from the gross floor area (measurements taken from exterior of building). Applicants may ask the Design Review Board a reduction for parking spaces as part of their land use application. The applicant will have to provide the burden of evidence to justify the reduction proposed. The Design Review Board and/or staff may require the information be prepared by a registered traffic engineer. Table 10-3-1 lists the minimum parking spaces required by use, with a minimum no less than two (2) spaces.

Table 10-3-1 (Excerpt), Minimum Required Parking by Use:

A. Residential and Commercial Dwelling Types:

Single Unit Dwelling including attached and detached dwellings and manufactured homes	2 spaces per dwelling unit on a single lot
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Duplex	1 space per dwelling unit
...	
Multi-family-Studio & 1-bedroom units	1 space per unit

C. Commercial and Retail Trade Types:

Offices Call Centers, data centers and other similar telecommunications or internet businesses	1 space per 400 sq. ft. floor area
Retail Sales and Service	Health Clubs, Gyms – 1 space per 333 sq. ft.

D. Manufacturing, Storage and Wholesale Types:

Manufacturing and Production	1 space per 1,000 sq. ft. floor area
Warehouse and Freight Movement	1 space per 2,000 sq. ft. floor area

Caretaker-The warehouse consists of 5,924 square feet. Units B through E are 1,144 sq. ft. and Unit A is @ 1352 sq. ft. The applicant is proposing a caretaker’s unit within Unit B. Within Table 10-3-1, there are no standards for a single dwelling unit accessory to a business and no mention was provided that it would be business owner occupied. The only use with a single unit on a lot is single-unit dwelling (SUD), which requires two spaces. An SUD use is the only use occurring its lot. Duplexes are similar to SUDs but only require one space per unit. Tri/Four/Multi-family standards are used with mixed use developments and require one parking space per studio unit.

Other Uses--Using the 1995 site plan, not counting any 2nd floor square footage, at the ground level, out of the 5924 sq. ft., the offices total 768 sq. ft. and the gym 1,144 sq. ft. leaving 4,012 sq. ft. (5,924 – 1,912 = 4,012) presumably used for warehouse and freight movement uses. Although, Rekindled Restoration includes some incidental “manufacturing” (restoration) of the items warehoused and sold mainly off site. There are four units (A, B, D & E) comprising the 4,012 sq. ft. of warehousing space. However, two of them (A&B) have ancillary offices (768 sq. ft. total) for the warehouse uses. So, the two warehouse parking spaces calculated below would be sufficient for units D and E which have no associated calculations.

Number of Required Parking Spaces by Use:

Caretaker’s Unit (Unit B)	2
Offices (1 per unit, A & B)	2
Gym (Unit C, 1 per 333 sq. ft)	4
Warehouse and Freight (4,012 sq. ft./2000 sq. ft.)	2
Total:	10

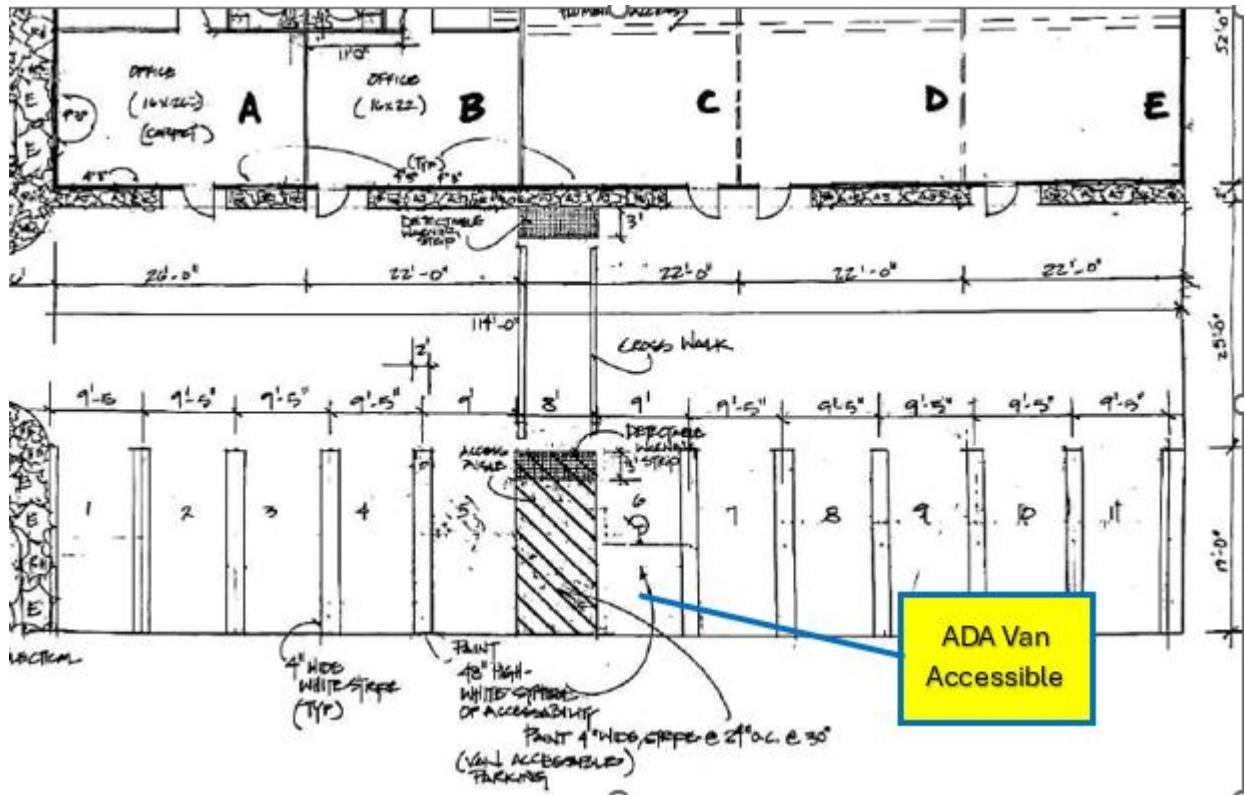
The existing parking lot contains 11 parking spaces. One parking space included in this count is ADA van accessible as shown in Exhibit C. The parking lot contains one space more than the required parking amount. Criteria met.

10-3-5: VEHICLE PARKING - MINIMUM ACCESSIBLE PARKING:

- A. Accessible parking shall be provided for all uses in accordance the standards in Table 10-3-2; parking spaces used to meet the standards in Table 10-3-2 shall be counted toward meeting off-street parking requirements in Table 10-3-1;**
- B. Such parking shall be located in close proximity to building entrances and shall be designed to permit occupants of vehicles to reach the entrance on an unobstructed path or walkway;**
- C. Accessible spaces shall be grouped in pairs where possible;**
- D. Where covered parking is provided, covered accessible spaces shall be provided in the same ratio as covered non-accessible spaces;**
- E. Required accessible parking spaces shall be identified with signs and pavement markings identifying them as reserved for persons with disabilities; signs shall be posted directly in front of the parking space at a height of no less than 42 inches and no more than 72 inches above pavement level. Van spaces shall be specifically identified as such.**

Table 10-3-2 - Minimum Number of Accessible Parking Spaces Source: ADA Standards for Accessible Design 4.1.2(5)			
Total Number of Parking Spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces (with 60" access aisle, or 96" aisle for vans*)	Van Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle
	<i>Column A</i>		
1 to 25	1	1	0
26 to 50	2	1	1

Since 11 parking spaces are provided on the subject property, only 1 ADA parking space is required. The ADA parking space is located close to the middle of the parking lot. The site plan excerpt from Exhibit C (below) demonstrates that this requirement is met. While the aisle and crosswalk leading to the building does not show direct access to a building entrance it is centrally located to the site closest to unit C’s entrance which has customer/client use. Also, the application materials do not include signage for the ADA parking space. ADA signage plans shall be provided with the building permit application and signage installed in accordance with FCC 10-3-5 E. [Condition 4-1]



10-3-6: COMMON FACILITIES FOR MIXED USES:

A. In the case of mixed uses, the total requirement of off-street parking space shall be the sum of the requirements for the various uses. Reductions from the minimum parking requirements for individual uses may be granted by the Planning Commission where circumstances indicate that joint use of parking or other factors will mitigate peak parking demand.

It is calculated above that the units with the offices and warehouse area (A & B) are providing one parking space per unit. Each warehouse space is small and in accordance with code requires only one parking space each. The addition of a small office within a small warehousing space enhances the function of the unit rather than presuming to add more employee capacity or any customer service area. This determination was also assigned in 1995. The office use within units A & B (and any other units) within this development are determined to be ancillary uses to their primary warehouse use. Criterion met.

10-3-8: PARKING AREA IMPROVEMENT STANDARDS: All public or private parking areas, loading areas and outdoor vehicle sales areas shall be improved according to the following: All required parking areas shall have a durable, dust free surfacing of asphaltic concrete, cement concrete, porous concrete, porous asphalt, permeable pavers such as turf, concrete, brick pavers or other materials approved by the City. Driveways aprons shall be paved for the first fifty feet (50') from the street.

The parking area and driveway apron are improved. Criteria met.

[...]

D. Parking spaces shall be located or screened so that headlights do not shine onto

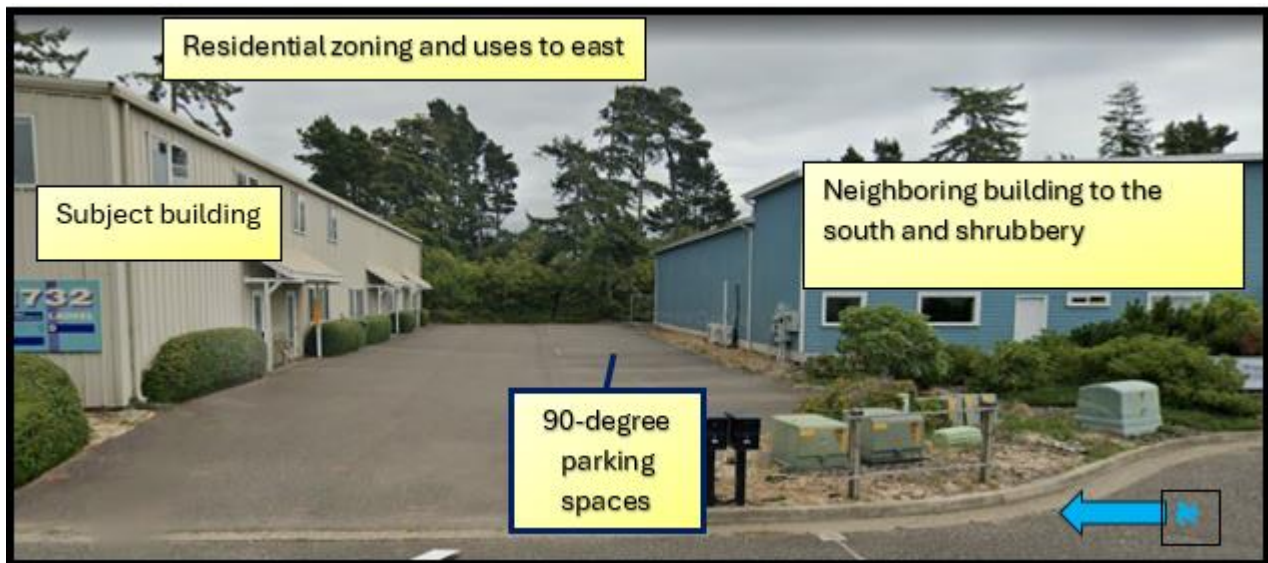
adjacent residential uses.

No vehicular parking spaces are located in a manner to shine headlights onto residential uses while parked. All parking spaces face the back of the warehouse building to the south. If vehicles are parked backwards within the existing parking spaces, any illumination from headlights would be directed to the front of the subject warehouse. As vehicles enter the parking lot, they face eastward towards the Mobile/Manufactured Home District (RMH), which is heavily buffered by thick vegetation. The distance between the east side of the subject warehouse and the nearest residential structure to the east is approximately 120 feet. An established 30'-wide natural reserve strip used as a trail located along and between the east subject property line and the residences to the east. This trail connects to Miller Park and the dog park on Kingwood. The trail is also a point of security concern to the applicants. Trail aside, no headlights would shine into adjacent residential uses as evidenced by the Google Earth image below. Criterion met.

E. Except for parking areas required in conjunction with a single-family attached or detached, duet, duplex dwelling; or tri-plex, quad-plex, or cluster housing development that provides off-street parking through a carport or garage, all parking areas shall provide:

- 1. A curb of not less than six inches (6") in height near abutting streets and interior lot lines. This curb shall be placed to prevent a motor vehicle from encroaching on adjacent private property, public walkways or sidewalks or the minimum landscaped area required in paragraph E2 of this subsection.**

The applicant does not provide curbing or wheel stops interior to the parking lot. Per FCC 10-3-8 E (1), the applicant shall provide wheel stops for each parking space prior to issuance of the Certificate of Occupancy or final permit inspection for the caretaker unit. [Condition 4-2]



F. No parking area shall extend into the public way except by agreement with the City.

The existing parking area does not extend into the public ROW. This criterion is met.

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

Lighting is discussed under section FCC 10-37.

J. Unless otherwise provided, required parking and loading spaces shall not be located in a required front or side yard.

Aside from front, side or rear setbacks planned for road widening purposes, the Limited Industrial District does not require such setbacks. Laurel Way, a local street, is not mentioned in the October 2023 Transportation System Plan update as being targeted for widening. This criterion is met.

10-3-9: PARKING STALL DESIGN AND MINIMUM DIMENSIONS: All off-street parking spaces (except those provided for a single-family; duet, duplex dwelling; or tri-plex, quad-plex, or cluster housing development that provides off-street parking through a carport or garage) shall be improved to conform to City standards for surfacing, stormwater management, and striping and where provisions conflict, the provisions of FCC Title 9 Chapter 5 shall prevail. Standard parking spaces shall conform to minimum dimensions specified in the following standards and Figures 10-3(1) and Table 10-3-3:

- A. Motor vehicle parking spaces shall measure nine (9) feet and six (6) inches wide by nineteen (19) feet long.**
- B. Each space shall have double line striping with two feet (2') wide on center.**
- C. The width of any striping line used in an approved parking area shall be a minimum of 4" wide.**
- D. All parallel motor vehicle parking spaces shall measure eight (8) feet six (6) inches by twenty-two (22) feet;**

Parallel parking has not been proposed. Criterion no applicable.

- E. Parking area layout shall conform to the dimensions in Figure 10-3(1), and Table 10-3-3, below;**
- F. Parking areas shall conform to Americans With Disabilities Act (ADA) standards for parking spaces (dimensions, van accessible parking spaces, etc.). Parking structure vertical clearance, van accessible parking spaces, should refer to Federal ADA guidelines.**

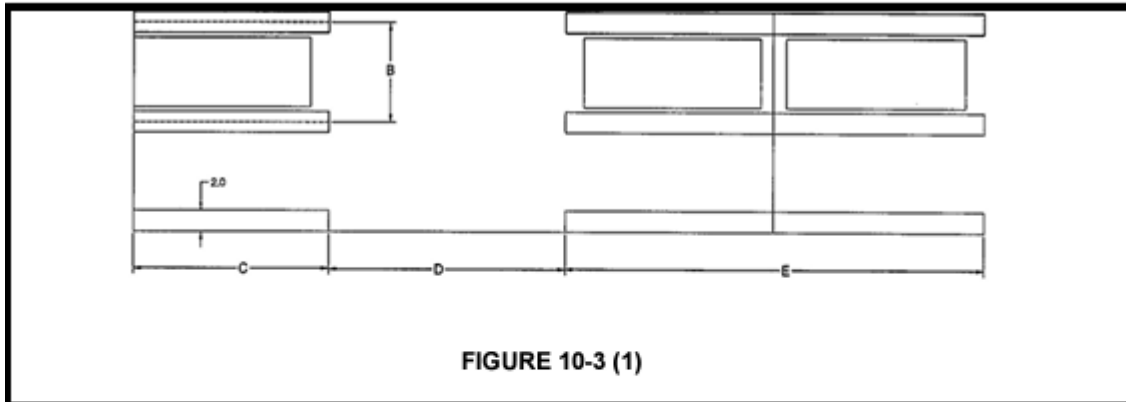


Table 10-3-3 – Parking Area Layout

Space Dimensions in feet	Parking Angle $\lt;^{\circ}$	Stall Depth		Aisle Width		Stall width (B)	Curb Length (F)
		Single (C)	Double (E)	One Way (D)	Two Way (D)		
	30°	15.6	26.7	12	18	9.5	19.0
	45°	18.4	33.4	13	18	9.5	13.4
	60°	20	38.8	17	18	9.5	11.0
	70°	20.3	40.6	18	19	9.5	10.1
	80°	20	41.2	22	22	9.5	9.6
	90°	19	40.5	23	23	9.5	9.5

Aside from ADA parking signage and bicycle parking, the applicant has provided, in Exhibit C, the correct parking design information in accordance with this Chapter. Criteria met.

10-3-10: BICYCLE PARKING REQUIREMENTS: All new construction or enlargement or change of use that is subject to Site Design Review, shall provide bicycle parking, in conformance with the standards and subsections A-H, below.

- A. **Minimum Size Space:** Bicycle parking shall be on a two (2) feet by six (6) feet minimum.
- B. **Minimum Required Bicycle Parking Spaces.** Short term bicycle parking spaces shall be provided for all non-residential uses at a ratio of one bicycle space for every ten vehicle parking spaces. In calculating the number of required spaces, fractions shall be rounded up to the nearest whole number, with a minimum of two spaces.
- [...]
- D. **Location and Design.** Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space other than handicap parking, or fifty (50) feet, whichever is less and shall be easily accessible to bicyclists entering the property from the public street or multi-use path.
- E. **Visibility and Security.** Bicycle parking for customers and visitors of a use shall be visible from street sidewalks or building entrances, so that it provides sufficient security from theft and damage;
- F. **Lighting.** For security, bicycle parking shall be at least as well lit as vehicle parking. Refer to Section 10-37 of this Title for requirements.
- G. **Reserved Areas.** Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.

- H. Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards. If bicycle parking cannot be provided safely, the Planning Commission or Community Development Director may waive or modify the bicycle parking requirements.**

A bicycle parking plan has not been proposed. Since the site proposal is for a change of use, bicycle parking is required. The applicant shall with the building permit application include on the site plan a minimum of two bicycle parking spaces in accordance with FCC 10-3-10 A, B, and D through H. This plan will be reviewed under planning's site plan review with the building permit application. [[Condition 4-3](#)]

TITLE 10: CHAPTER 4: CONDITIONAL USE PERMITS

10-4-2: USE PERMIT PREREQUISITE TO CONSTRUCTION: When a conditional use permit is required by the terms of this Title, no building permit shall be issued until the conditional use permit has been granted by the Planning Commission, and then only in accordance with the terms and conditions of the conditional use permit. Conditional use permits may be temporary or permanent.

10-4-3: APPLICATIONS: The application for a conditional use permit shall be made in writing to the Planning Commission by the owner of the land in consideration or his agent, duly authorized in writing. The application shall include the following information:

A. Site and building plans and elevations.

A site plan shown in Exhibit C shows the interior construction proposal of the upstairs caretaker's unit and the existing office area and parking proposal. Exhibit B also shows the height of the exterior elevation measurement up to 18 feet and Exhibit D shows the measurements of the warehouse (114' X 52'). The actual height of the building, factoring in the probability of a 3.0:12 roof pitch is Under 30'. These criteria are met.

B. Existing conditions on the site and within three hundred feet (300') of a site that is one (1) acre or larger and within one hundred feet (100') from a site that is less than one (1) acres in size.

Existing conditions on the site were provided on the site plan. The subject lot is mostly comprised of impervious surfacing and there is landscaping along the west, east, and south sides of the warehouse. The warehouse contains 5 units. The conditions within 100 ft. of the site were not included with the application materials. Existing conditions on adjacent sites were provided earlier in these Findings, such as the residential uses to the east which are heavily buffered from the warehouse, and the rear of the building situated immediately south of the subject property line. This criterion was partially met; however, staff had the opportunity to easily research the area to gain the information needed to complete the Findings.

C. Existing and proposed utility lines and easements.

The subject site is currently being serviced by utilities. No additional utilities are being proposed. This criterion is met.

D. Operational data explaining how the buildings and uses will function.

The proposal for the caretaker's unit is replacing a space used for offices. The use, which is an accessory residential use, is not expected to conflict with any nearby use. The non-reviewed cross fit gym, however, requires a Type 1 Administrative Change of Use, which may be separate from this CUP request as the gym is allowed outright in the zoning district and a review of the parking requirements for this gym have been factored into the overall parking needs. Any other use that may be situated within the warehouse not discussed in these Findings will also require a Change of Use application or a different land use application depending on the use. The reasons for this are to assess parking needs for each use and also provides an opportunity to ensure the property meets other prior code, such as landscaping and bicycle parking requirements. (Informational 2)

E. Any other pertinent information requested by the Planning Commission such as architectural renderings of the buildings and structures involved in the proposed development.

At the time of the writing these Findings no additional information was requested by the Planning Commission.

F. Other information and format as required by FCC 10-1-1-4.

No other information has been determined to be necessary at the time of the writing of these Findings.

10-4-3 : PUBLIC HEARING AND NOTICE: The Planning Commission shall hold at least one public hearing on each conditional use permit application.

A duly noticed public hearing was held by the Planning Commission on May 28, 2024. This public hearing was held prior to the issuance of any new building permits on the subject site. This criterion is met.

10-4-4 : ACTION: The Planning Commission shall make specific findings for granting or denying a conditional use permit in accordance with the general criteria and/or conditions of Section 10-4-9 of this Title.

During this review process the Planning Commission is making specific Findings for granting or denying this Conditional Use Permit with a change of use in accordance with the general criteria and conditions of FCC 10-4-9. This criterion is being satisfied as part of this review process.

10-4-5 : EFFECTIVE DATE: A conditional use permit shall become effective at the close of the appeal period.

The Planning Commission held a public hearing May 28, 2024. The Planning Commission shall make specific findings regarding the application for a Conditional Use Permit according to the criteria as presented in these findings. Should the request for a CUP be approved, it shall become effective at the close of the appeal period.

10-4-6 : EXPIRATION OF CONDITIONAL USE PERMIT:

A. Authorization of a conditional use permit shall be void one (1) year after the date of approval of a conditional use application, unless a building permit has been issued and substantial construction pursuant thereto has taken place. Substantial construction shall be considered to be completion of a building foundation. The applicant may apply to the Planning Commission for a one-time extension of one

(1) year maximum duration based on compliance with the following criteria:

- 1. The request for an extension is made in writing prior to expiration of the original approval.**
- 2. There are special or unusual circumstances that exist which warrant an extension.**
- 3. No material changes of surrounding land uses or zoning has occurred. The Planning Commission may deny the request for an extension of a conditional use if new land use regulations have been adopted that affect the applicant's proposal. (Ord. 26, 2008)**

This Conditional Use Permit for a caretaker's unit in Limited Industrial District shall be valid for one year after the date of approval (May 29, 2025), unless a building permit has been issued and substantial construction pursuant thereto has taken place [Condition 5-1]

In accordance with this FCC 10-4-6, a request for extension shall be made in writing prior to the expiration of the original approval if substantial construction has not taken place. (Informational 3)

- B. The discontinuance of a conditional use for twelve (12) consecutive months shall constitute expiration of that conditional use. The use occupying the premises thereafter shall conform to the regulations of the zoning district in which it is located.**

The discontinuance of the conditional use for 12 consecutive months or the intentional demolition or removal of the caretaker's unit shall constitute an expiration of this Conditional Use Permit. and shall require a new conditional use permit to be obtained. (Informational 4)

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**

The subject property and uses are listed under Table 2 of the *City of Florence October 2001 Industrial Lands Inventory*, a special study providing an inventory list of properties and uses related to industrial uses. A goal and policies related to industrial plan categories and a discussion of this inventory is found in Chapter 2, Land Use (p. II-13 through II-15) of the *Florence Realization 2020 Comprehensive Plan*:

"Industrial

Goal

To develop industrially planned and zoned lands within the Florence area for suitable research and development, manufacturing, processing, assembly, storage and distribution, construction and development-related uses, and airport-related uses."

TABLE 2 - Industrial Lands Inventory – July 2000

<u>Map Number</u>	<u>Lot size</u>	<u>Status</u>	<u>Comments</u>
18-12-27, TL 137	0.29	Developed	
TL 136	0.28	Developed	
TL 158	0.28	Developed	Large vacant building
TL 155	0.49	Developed	Contractor's yard
TL 154	0.50	Developed	Contractor's yard
TL 153	0.50	Developed	Developed as one complex with multiple tenants
TL 152	0.47	Developed	
TL 151	0.45	Developed	
TL 150	0.40	Developed	Manufacturing
TL 134	0.48	Developed	Manufacturing
TL 160	0.48	Vacant	
TL 147	0.34	Developed	
TL 148	0.34	Developed	
TL 149	0.28	Developed	Vacant restaurant
TL 146	0.28	Vacant	
TL 145	0.28	Developed	
TL 144	0.18	Developed	
TL 159	0.26	Developed	Developed as one complex with multiple tenants
TL 143	0.26	Developed	
TL 142	0.54	Developed	
TL 141	0.52	Developed	
TL 140	0.28	Developed	Multiple tenant building

The building provides warehousing space for Fleming Construction and Rekindled Restoration. It also provides warehousing space in units D and E. The gym use is entertainment retail which is similar to retail service in the way of parking demand and is allowed under “other similar uses” within Chapter 10 of Title 10. The goals of the zoning district and its comp plan designation are met.

B. Compliance with special conditions established by the Planning Commission to carry out the purpose of this Chapter.

Special conditions of approval shall be established by the Planning Commission to carry out the purpose of this Chapter as well as the Florence Realization 2020 Comprehensive Plan, which seeks to provide direction towards compatible zoning and uses. The Plan does not specifically reference private security of private property. Review the Conditional Use Permit criteria were reviewed under FCC 10-4. Conditions are included throughout these Findings as necessary.

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.

A caretaker's unit in the Limited Industrial District requires a Conditional Use Permit under FCC 10-20-3 and cannot exceed 1,000 sq. ft. of floor area. According to the [2018 Housing Needs Analysis](#), the Downtown Planning Area the majority of development and redevelopment is “expected to occur on smaller lots with a mix of commercial retail, office and upper-level

residential uses...” Overall redevelopment activity within the Florence UGB is expected to range from 46,000 to 53,000 square feet of infill/redevelopment (building floor area), which is over and above the vacant land needs shown in Exhibit VI.1” (pg. 38). In the instance of this Conditional Use proposal, the residential component, once approved, would be an upper-level accessory residential use as suggested by the *2018 Housing Needs Analysis* and would not reduce vacant land or infill inventory for the Limited Industrial District. Criteria met.

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.

The proposed caretaker’s unit use should be exempted from a Chapter 6 Design Review as it does not represent any of the following criteria:

10-6-3: GENERAL APPLICABILITY:

A. Planning Commission/ shall:

1. Unless otherwise directed by the underlying zoning district, ..., review the following through a Type III process consistent with FCC 10-1-1-6-3 prior to issuance of a building permit:

a. New construction,

b. Alterations to the exterior of non-residential structures or additions involving twenty-five percent (25%) or more of the floor area of a building; and

c. Changes of use from less intensive to greater intensive use not eligible for Type I or Type II review (see FCC 10-1-1-6-1 and 10-1-1-6-2).

The addition represents less than 25% of the floor area of the building and is not a change of use to a more intensive use, (office to caretaker unit). The Limited Industrial District allows a caretaker’s unit with approval of a Conditional Use Permit.

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

The public facilities, services, or utilities necessary to serve the proposed structure already exist. This criterion is met.

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).

The current parking lot and subject site meets this criterion.

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 Design Review Board. Such conditions may include: (Ord 625, 6-30-80; amd. Ord 669, 5-17-82)

A. Regulation of uses, special yard setbacks, coverage and height.

No other regulations of use, lot coverage, or building height is proposed with this request.

B. Requiring fences, walls, screens and landscaping plus their maintenance.

Screening is discussed under FCC 10-3. Landscaping and maintenance are conditioned under FCC 10-34.

C. Regulation and control of points of vehicular ingress and egress.

Vehicles enter and exit the subject site from Laurel Way via an existing driveway. These criteria are met

D. Regulation of noise, vibration, odors, and sightliness.

The proposed project is an enclosed caretaker's unit. While temporary noise, vibration, odors, and sightliness associated with construction and only during the construction period only is anticipated, no additional noise, vibrations, odors or unsightliness are expected. FCC 10-6-1 regulations to nuisances will apply to this project. This criterion is met.

G. Regulation of hours of operation and duration of use or operation.

Regulation of hours of operation are not applicable with this application as the proposed use, by nature, is a single unit residential use.

H. Requiring a time period within which the proposed use shall be developed.

The Planning Commission, at their discretion, may require a time period for which the proposed use shall be developed. A Conditional Use Permit is valid for 1 year following approval (May 29, 2025). Building permits are valid from 180 days from issuance and remain active for 6-months with each inspection. The timeline for development will largely be determined by supply availability, contractors' availability, and inspection schedules. The scheduled timeline required through the building department process is deemed adequate and additional restrictions are not expected to be necessary at this time. This criterion is met.

I. Requiring bonds to insure performance of special conditions.

The proposed use is typical of a residential use accessory to the warehouse use and zoning and should not create circumstances where regulation of these criteria (FCC 10-4-11-D through I) are warranted with additional conditions of approval. The need for bonding is not anticipated as no public rights of ways are involved.

J. Regulation of tree and vegetation removal to maintain soil stability, preserve natural habitat, protect riparian vegetation, buffer conflicting uses, and maintain scenic qualities.

The subject lot, which is reasonably flat, is developed and does not include riparian areas, significant slopes, or buffers with conflicting uses. No regulation of tree and vegetation removal is necessary to maintain soil stability or address any of the other listed risks.

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.

The proposed use is consistent with the Florence Comprehensive Plan, as discussed above, and will not prevent the orderly and efficient development of the City. Furthermore, the use as a

caretaker unit for security purposes does not remove any land use from the existing land use inventory. These criteria were previously discussed.

10-4-12: ADDITIONAL CONDITIONS: Some land uses by the nature of the activity associated with them require separate and intense consideration by the Planning Commission prior to their establishment. Such uses and additional conditions are as follows:

[...]

H. Residential Caretaker Unit;

- 1. Residential caretaker unit must be located a minimum of twenty feet (20') from any property line abutting a street.**
- 2. Provisions of a residential caretaker unit must be necessary to ensure adequate security and monitoring of the site and/or viable business operations (e.g. on-call persons, emergency maintenance).**

While the proposed caretaker's unit would not be independent from the warehouse, it would be located an excess of 20 feet from the west property line, which abuts Laurel Way. Exhibit B indicates that the applicants have called the Florence Police Department personnel out on several occasions to investigate suspicious activities which they believe to be burglary related.

TITLE 10: CHAPTER 20: LIMITED INDUSTRIAL DISTRICT (LI)

A. 10-20-3: BUILDINGS AND USES PERMITTED CONDITIONALLY: The Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a conditional use permit for the following:

[...]

Residential unit, maximum of 1,000 square feet, for a caretaker or superintendent whenever it is determined by the Planning Commission that the business requires the on-site residence of such a person.

[...]

A residential unit less than 1,000 sq. ft. is proposed to provide security to address issues documented by police reports. The findings and record support an on-site residence for security.

10-20-5: SITE AND DEVELOPMENT PROVISIONS:

A. Building and Structural Height Limitations:

- 1. The maximum building height shall be thirty eight feet (38').**

The existing building height is less than 30 feet, well below the maximum 38' allowed for the Limited Industrial District. Criterion met.

- 2. Towers, spires, chimneys, machinery penthouses, water tanks, radio aerials and similar structures and mechanical appurtenances shall not exceed sixty**

feet (60') in height, only if approved by the FAA and shall not be used for any commercial, residential or advertising purpose.

The property does not, nor proposes to contain any of the above. Criterion met.

- B. Fences, Hedges, Walls or Landscaping: Refer to 10-34 of this Title for general requirements. Landscaping and trees shall not obstruct the airport's approach path.**

Landscaping is discussed elsewhere. Any future trees are not anticipated to obstruct the airport's approach path.

- C. Outdoor Storage: All outdoor storage shall be enclosed within a sight-obscuring fence or wall.**

Outdoor storage is not proposed.

- D. Parking and Loading Space: Refer to Chapter 3 of this Title for specific parking requirements. (Ord. 625, 6-30-80; amd. Ord. 669, 5-17-82)**

Parking has been reviewed under FCC 10-3.

- E. Vision Clearance: Refer to Section 10-1-4 and 10-35-2-13 of this Title for definition and requirements.**

Vision requirements include no obstructions between two and one-half feet (2 ½') and eight (8) feet in height extending from the driveway corners 10 ft. along Laurel Way. The vision clearance area south of the driveway includes lockable mailboxes, a utility vault and an unused multi-mailbox mounting frame. The angle of the driveway exit and its location at the intersection of 17th Place and Laurel Way reduces or eliminates any impact these items have on the ability to see approaching vehicles from the south and west. The north side of this driveway includes a shrub in the vision clearance area that appears to be maintained to not be an obstruction. The north driveway has the same shrub species on its south side that is also clipped to provide vision clearance area. The north side of the driveway contains no obstructions. The requirement to construct a new driveway is conditioned later. Nevertheless, an informational located under FCC 10-35 addresses the requirement to maintain the vision clearance area.

- F. Signs: Signs shall be in accordance with Title 4 Chapter 7 of this Code. (Ord. 4, 2011)**

No new signage is proposed; however, ADA signage has been conditioned earlier.

- G. Access and Circulation: Refer to Section 10-35 of this Title for requirements.**

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

- I. All trash receptacles shall be located inside structures or in a trash enclosure that is fully screened by a sight-obscuring fence or wall not less than 5' in height. Trash receptacle areas shall be kept clean. Trash shall not be allowed to blow about the site nor onto neighboring sites, nor shall any trash be stored in a manner to attract rodents.**

Although Exhibit D from 1995 shows a trash enclosure located within the parking lot, the subject property uses a trash rollout located against the south side of the building partially screened by shrubbery. The applicants shall either locate trash and recycling receptacles inside the warehouse or screen with a sight obscuring trash enclosure, fence or wall not less than 5' in height. The Trash receptacle areas shall be kept clean and trash shall not be allowed to blow about the site no onto neighboring sites, nor shall any trash be stored in a manner to attract rodents per FCC 10-20-5-I. [Condition 6-1]

J. Administrative Review: All permitted uses in the Limited Industrial District shall be subject to administrative review, Section 10-1-1-6 of this Title.

This Conditional Use Permit request does not qualify for an Administrative Review as it is a Type III review requiring a public hearing by the Planning Commission.

K. Airport Overlay Zone: Refer to Section 10-21-2 of this Title for specific requirements of the Public Use Airport Safety and Compatibility Overlay Zone.

No improvements are proposed nor required to address the criterion in this code section.

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

Lighting is discussed later in these findings.

TITLE 10: CHAPTER 34: LANDSCAPING

10-34-2: LANDSCAPE CONSERVATION 10-34-2-1: Applicability. Except for single unit homes and duplexes the provisions of this Section are applicable to all development sites which contain stands of Native Vegetation or specific Significant Vegetation, as defined below. "Development sites" do not include any street, alley, or public right-of-way.

The subject lot is built out and contains no native or significant vegetation. No preservation credit has been requested.

10-34-3-1: LANDSCAPING Applicability. Except for single-unit and duplex dwelling uses, this Section shall apply to all new development as well as changes of use and expansions as described below, and shall apply in all districts except where superseded by specific zoning district requirements. These provisions shall be in addition to the provisions of FCC Title 9 Chapter 5 and where there are conflicts, the provisions of Title 9 Chapter 5 shall prevail.

B. For modifications or additions to existing development, landscaping shall be brought up to current code requirements in the same proportion as the increase in use and/or building size. (Ord. 4, 2011)

10-34-3-2: Landscaping Plan Required. A landscape plan is required. All landscape plans shall include the following information:

A. The location and height of existing and proposed fences and walls, buffering or screening materials.

B. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas.

- C. The location, size, and species of the new proposed plant materials (at time of planting).
- D. The location(s) of areas where existing vegetation will be cleared and the location(s) of areas where existing vegetation will be preserved, delineated on a recent aerial photo or site plan drawn to scale.
- E. Existing and proposed building and pavement outlines.
- F. Specifications for soil at time of planting, irrigation and anticipated planting schedule.
- G. Other information as deemed appropriate by the City Planning Official.

The site plan includes a detailed landscape plan. This plan is presumably the one provided in 1996 to meet the conditions of approval. The plan does not contain a planting list but may include one that was covered up to include the caretaker infill plan or it may have been an attachment to the plan. Regardless it includes many plants no longer on the site. Supplementation of the landscape plan is discussed and conditioned below.

10-34-3-3: Landscape Area and Planting Standards. The minimum landscaping area is 15% of the lot area, unless specified otherwise in the applicable zoning district for the proposed use. This required minimum landscaping area may be reduced if preservation credits are earned as specified in Section 10-34-2-4.

- A. Landscaping shall include planting and maintenance of the following:
 - 1. One tree per 30 lineal feet as measured along all lot lines that are adjacent to a street.
 - 2. Six shrubs per 30 lineal feet as measured along all lot lines that are adjacent to a street.

The lot has approximately 120 ft of frontage along Laurel Way. Using today's code 4 trees and 24 shrubs would be required. The landscape plan in Exhibit C includes enough annotations along the frontage to meet these criteria, assuming some are trees and few or none are ground cover. Evergreen shrubbery and one tree have been planted between the west side of the subject building and Laurel Way. Additional evergreen shrubbery has been planted at the southwest corner of the lot adjacent to the parking area and driveway and the west lot line abutting Laurel Way.

- 3. Living plant materials shall cover a minimum of 70 percent of the required landscape area within 5 years of planting.
- 4. Except for preservation of existing significant vegetation, the required plant materials on-site shall be located in areas within the first 20 feet of any lot line that abuts a street. Exceptions may be granted where impracticable to meet this requirement or the intent is better served. Required trees may be located within the right-of-way and must comply with Section 10-34-4. Plant materials may be installed in any arrangement and do not need to be equally spaced nor linear in design. Plantings and maintenance shall comply with the vision clearance standards of FCC 10-35-2-13.

Evergreen shrubbery and one tree have been planted between the west side of the subject building and the lot line located along Laurel Way. Additional evergreen shrubbery has been planted at the southwest corner of the lot adjacent to the parking area and driveway and the west lot line abutting Laurel Way. As discussed in the Narrative, the land use and building records do not contain a landscape plan to evidence compliance with Condition 1 of Resolution PC 95 1 10 4 DRC. However, the site plan submitted with this application does include a landscape plan that includes the specification called for in the 1995 condition, minus the planting list. It is likely this plan is the one submitted in 1996. Supplementation of this plan and an "as-built" rendition is conditioned above and repeated here.

The applicant shall submit an annotated 1995 landscape plan within 3 months (August 29, 2024) of this approval. It shall include a list of plantings that coincide with the species of plants remaining on the site and demarcations of a plant's presence on site or not. **[Condition 7-1]** Additionally, the applicant shall supplement the landscaping existing on site to ensure the coverage proposed under the 1995 landscape plan is met. For instance, the area south of the driveway was proposed to have 9 plantings. If 6 are planted and room is available for one or more of the other three, they shall be planted. Additionally, all trees included on Exhibit C shall be planted if they are missing. Any dead trees or shrubs shall be replaced. Landscaping on site shall be installed prior to a final certificate of occupancy for the caretaker's unit in accordance with FCC 34-3-2. **[Condition 7-2]**

5. Pocket-planting with a soil-compost blend around plants and trees shall be used to ensure healthy growth. Noxious Weeds shall be removed during site development and the planting of invasive or noxious weeds is prohibited.

10-34-3-4: Landscape Materials. Permitted landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, existing native vegetation, outdoor hardscape features and storm water features, as described below.

A. Plant Selection. A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used, consistent with the purpose of this Chapter. A suggested Tree and Plant List for the City of Florence and the Sunset Western Garden Book are available at City Hall. The selection of plant and tree species shall be based upon site conditions such as wind and sun exposure, space limitations, water availability, and drainage conditions. The use of indigenous plants is encouraged, and may be required where exposure, slope or soil conditions warrant.

1. Ground Cover. Ground cover may consist of separate plants or mowed grass turf. Ground cover plant species shall meet the following minimum standards: plants from 4-inch pots shall be spaced a maximum of 18 inches measured on center, and 1-2 gallon size plants shall be spaced a maximum of 3 feet measured on center.

2. Shrubs. Shrub plant species shall be planted from 3-gallon containers unless otherwise specified in the Tree and Plant List for the City of Florence.

3. Trees. Evergreen and deciduous tree species shall meet the following minimum standards: deciduous trees shall be a minimum of 1 ¾ inch caliper (diameter) measured 6 inches above grade, and evergreen trees shall be a minimum of 5 feet tall (Nursery Grade 5/6).

4. **Non-plant Ground Covers.** Bark dust, chips, aggregate, or other non-plant ground covers may be used. Non-plant ground cover located adjacent to pedestrian ways shall be confined to the material within the planting bed to avoid safety hazards by edging 4 inches above-grade or recessing from grade. Non-plant ground covers cannot be a substitute for ground cover plants.
- B. **Existing Native Vegetation.** Preservation of existing native vegetation is encouraged and preservation credits in accordance with Section 10-34-2-4 may be used to meet the landscape requirements of this Chapter.
- C. **Hardscape features,** such as plazas, pathways, patios and other pedestrian amenities may count toward ten (10) percent of the required landscape area, except in the Old Town and Main Street districts where hardscape features may count toward 50 percent of the landscape area, provided that such features conform to the standards of those districts. Swimming pools, sports courts, decks and similar facilities may not be counted toward fulfilling the landscape requirement in any zone.
- D. **Storm Water Facilities.** Storm water facilities, such as detention/retention ponds and swales shall be landscaped. Landscaped bio-swales are encouraged and shall count toward meeting the landscaping requirement of this section if they are designed and constructed in accordance with the standards specified in Title 9 Chapter 5, and approved by the Public Works Department. Storm water facilities shall be landscaped with water tolerant, native plants.

10-34-3-5: Irrigation. Permanent, underground irrigation is required for all landscaping, except existing native vegetation that is preserved in accordance with the specifications of Section 10-34-2-2 and new drought tolerant plants which must have temporary irrigation for plant establishment. All irrigation systems require an irrigation permit and shall be installed with a backflow prevention device per FCC 9-2-3-5.

In accordance with FCC 10-34-3-5, the applicant shall submit an irrigation plan for the new plantings along with the landscape plan. If drought tolerant plants are not used, per FCC 9-2-3-5, the irrigation plan shall be installed underground otherwise the irrigation system may be temporary. All irrigation requires a backflow prevention device. **[Condition 7-3]**

TITLE 10: CHAPTER 35: ACCESS AND CIRCULATION

10-35-3-1: Sidewalk Requirements:

- A. **Requirements: Sidewalks shall be newly constructed or brought up to current standards concurrently with development under any of the following conditions:**
 1. **Upon any new development of property.**
 2. **Upon any redevelopment of property that expands the building square footage by 25% or more.**
 3. **Upon any change of use that requires more than five additional parking spaces.**

The proposed caretaker facility does not by itself require more than five additional parking spaces. However, the gym required an addition of three additional spaces. The caretaker unit added an additional two spaces. Any additional change of uses that increase parking demand even if by just one will trigger the requirement for sidewalk construction along Laurel Way. A non-remonstrance for the sidewalk may be available at the discretion of the Public Works Director. At the time of sidewalk construction, the driveway if not reconstructed under this application shall be reconstructed in accordance with Condition 9-1. (Informational 5)

10-35-3-2: Site Layout and Design: To ensure safe, direct, and convenient pedestrian circulation, all developments shall provide a continuous pedestrian system. The pedestrian system shall be based on the standards in subsections A - C, below:

A. Continuous Walkway System. The pedestrian walkway system shall extend throughout the development site and connect to all future phases of development, and to existing or planned offsite adjacent trails, public parks, and open space areas to the greatest extent practicable. The developer may also be required to connect or stub walkway(s) to adjacent streets and to private property with a previously reserved public access easement for this purpose in accordance with the provisions of Section 10-35-2, Vehicular Access and Circulation, and Section 10-36-2 Street Standards.

The proposed development involves the interior of an existing structure which was constructed in 1996. Typical to the area and the time, the subject site does not contain sidewalks abutting Laurel Way. The site plan includes a crosswalk from the ADA parking space to the front of the warehouse. Per FCC 10-35-3-3-B, where a walkway crosses a parking area, or driveway, it shall be clearly marked with contrasting paving materials (e.g., light-color concrete inlay between asphalt), which may be part of a raised/hump crossing area. Painted or thermos-plastic striping and similar types of non-permanent applications may be approved for crossings not more than twenty-four (24) feet in length. **[Condition 8-1]**

B. Safe, Direct, and Convenient. Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets, based on the following criteria:

- 1. Reasonably direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.**
- 2. Safe and convenient. Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.**
- 3. "Primary entrance" for commercial, industrial, mixed use, public, and institutional buildings is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.**
- 4. "Primary entrance" for residential buildings is the front door (i.e., facing the street). For buildings in which units do not have their own exterior entrance, the "primary entrance" may be a lobby, courtyard, or breezeway that serves as a common entrance for more than one dwelling.**

Connections Within Development. Connections within developments shall be provided as required in subsections 1 - 3, below:

1. Walkways shall be unobstructed and connect all building entrances to one another to the extent practicable, as generally shown in Figure 10-35(5);
2. Walkways shall connect all on-site parking areas, storage areas, recreational facilities and common areas, and shall connect off-site adjacent uses to the site to the extent practicable. Topographic or existing development constraints may be cause for not making certain walkway connections; [...]

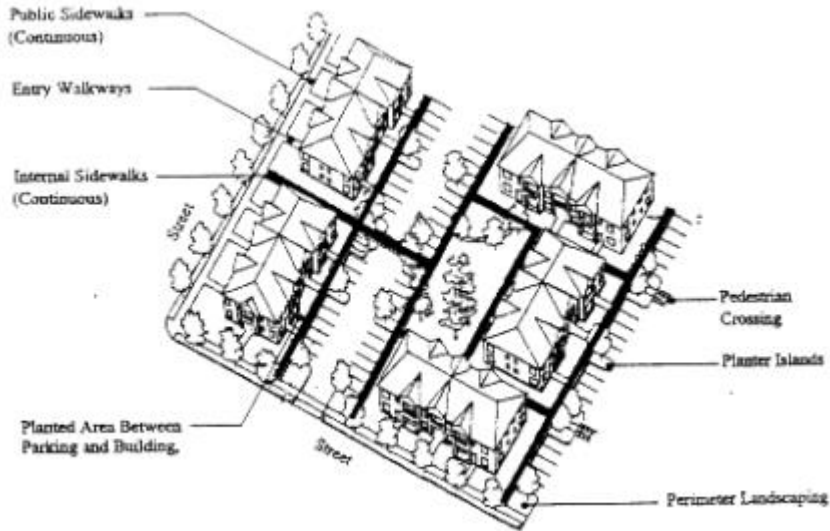


Figure 10-35(5): Pedestrian Pathway System (Typical)

10-35-3-3: Walkway and Multi-Use Path Design and Construction: Walkways and multi-use paths shall conform to all applicable standards in subsections A - D, as generally illustrated in Figure 10-35(6):

- A. **Vehicle/Walkway Separation.** Except for pedestrian crossings (subsection B), where a walkway abuts a driveway or street it shall be raised six (6) inches and curbed along the edge of the driveway/street. Alternatively, the decision body may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is protected from all vehicle maneuvering areas. An example of such protection is a row of decorative metal or concrete bollards designed to withstand a vehicle's impact, with adequate minimum spacing between them to protect pedestrians.
- B. **Pedestrian Crossing.** Where a walkway crosses a parking area, or driveway, it shall be clearly marked with contrasting paving materials (e.g., light-color concrete inlay between asphalt), which may be part of a raised/hump crossing area. Painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crossings of not more than twenty-four (24) feet in length.
- C. **Width and Surface.** Walkway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, as approved by the Public Works Director, at least five (5) feet wide, without curb. [...]

Figure 10-35(6): Pedestrian Walkway Detail (Typical)

D. Accessible routes. Walkways and multiuse paths shall conform to applicable Americans with Disabilities Act (ADA) requirements. The ends of all raised walkways, where the walkway intersects a driveway or street shall provide ramps that are ADA accessible, and walkways shall provide direct routes to primary building entrances.

Per FCC 10-35-3-3-B, where a walkway crosses a parking area, or driveway, it shall be clearly marked with contrasting paving materials (e.g., light-color concrete inlay between asphalt), which may be part of a raised/hump crossing area. Painted or thermos-plastic striping and similar types of non-permanent applications may be approved for crossings not more than twenty-four (24) feet in length. [\[Condition 8-1\]](#)

TITLE 10: PUBLIC FACILITIES

10-36-2-18: Curbs, Curb Cuts, Ramps, and Driveway Approaches: Concrete curbs, curb cuts, curb ramps, bicycle ramps and driveway approaches shall be constructed in accordance with Chapter 35, Access and Circulation, City of Florence Standards and Specifications [...].

The subject property’s driveway does not meet code requirements. Prior to issuance of a Certificate of Occupancy for the caretaker’s Unit, the applicant shall either obtain a Driveway Permit by the Public Work’s Department and construct a driveway that meets the requirements of FCC 10-35 and City of Florence Standards and Specifications or sign a non-remonstrance permit, as permitted in 10-36-2-2, for construction of a new driveway apron to be constructed at the same time as sidewalk construction along Laurel Way. [\[Condition 9-1\]](#)

TITLE 10: CHAPTER 37: LIGHTING

10-37-2: APPLICABILITY: Section 10-37 applies to installation of all lighting fixtures as of the effective date of this Ordinance, except as exempted by provision of this Ordinance. Devices include but are not limited to, lights for: buildings and structures, recreational areas, parking lot and maneuvering areas, landscape areas, streets and street signs, product display areas, building overhangs and open canopies, holiday celebrations, and construction lights.

[...]

B. Major Additions or Alterations - If a major addition occurs on a property, lighting for the entire property shall comply with the requirements of this Code. For purposes of this section, the following are considered to be major additions:

[...]

3. Existing lighting on sites requiring a conditional use permit or variance after the effective date of this ordinance.

C. Amortization - On or before 10 years from the effective date of this code, all outdoor lighting shall comply with this Code. Most outdoor lighting will be fully depreciated at the end of 10 years if not sooner. “Easy fixes” such as re-aiming or lowering lumen

output of lamps is recommended in advance of the effective date of the ordinance. Where lighting is judged to be a safety hazard immediate compliance is required.

The warehouse building includes two lights (four total) mounted just under the eaves on the north and south elevations. Lighting plans shall be submitted with the building permits illustrating plans to either screen the existing lights to make them full cut-off/dark sky compliant or replace the light fixtures with some in accordance with FCC 10-37. **[Condition 10-1]**

V. INFORMATIONALS

1. Per FCC 10-3-2, required parking spaces shall be maintained and shall not be eliminated, used for the storage of materials of any type, or used for loading or unloading operations during business hours.
2. Any other use that may be situated within the warehouse not discussed in these Findings will also require a Change of Use application or a different land use application depending on the use. The reasons for this are to assess parking needs for each use and also provides an opportunity to ensure the property meets other prior code, such as landscaping and bicycle parking requirements.
3. In accordance with this FCC 10-4-6, a request for extension of the Conditional Use Permit shall be made in writing prior to the expiration or the original approval if substantial construction has not taken place.
4. The discontinuance of the conditional use for 12 consecutive months or the intentional demolition or removal of the caretaker’s unit shall constitute an expiration of this Conditional Use Permit. and shall require a new conditional use permit to be obtained.
5. Any additional change of uses that increase parking demand even if by just one will trigger the requirement for sidewalk construction along Laurel Way. A non-remonstrance for the sidewalk may be available at the discretion of the Public Works Director. At the time of sidewalk construction, the driveway if not reconstructed under this application shall be reconstructed in accordance with Condition 9-1.
6. Because the warehouse contains several items that were not permitted, prior to issuance of a Certificate of Occupancy for the caretaker’s unit, the applicant shall work with the Building Department to get all unpermitted items approved.

VI. CONCLUSION

The application meets the requirements of Florence City Code and the Florence Realization 2020 Comprehensive Plan with conditions as outlined in the Resolution.

VII. EXHIBITS:

“A” Findings of Fact	“D” Resolution PC 95 1 10 4 DRC Packet
“B” Land Use Application and Police Reports	“E” Building Permits

"C" Site Plan	
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