

City of Florence
Planning Commission Meeting
Minutes 250 Hwy 101, Florence, OR 97439
October 8, 2024

CALL TO ORDER - ROLL CALL - PLEDGE OF ALLEGIANCE

Meeting called to order at 5:32 PM.

Commissioners Present in house: Chair Kevin Harris, Vice Chair Debbie Ubnoske,
Comm. Renee LoPilato, Comm. Sandra Young,
Comm. Eric Hauptman, Comm. Laurie Green
Commissioners Virtual: Comm. Wendy Krause

Staff Present: Planning Director Wendy FarleyCampbell, Planning Manager Jacob Foutz, Associate Planner Clare Kurth, Planning Technician Sharon Barker

At 5:32 PM, Chair Harris opened the meeting, Clare Kurth took the roll call. Commissioner Green led the flag salute.

1. APPROVAL OF THE AGENDA

Start Time: 5: 33 PM
Action: Approve Agenda as presented.
Motion: Comm. Hauptman
Second: Comm. LoPilato
Vote: Unanimous

2. APPROVAL OF MINUTES OF – September 24, 2024

Action: Approve Minutes as presented.
Motion: Comm. Green
Second: Comm. Young
Vote: Unanimous

3. PUBLIC COMMENTS – *none*

FarleyCampbell announced that Associate Planner Clare Kurth is resigning, and will be greatly missed.

Chair Harris relayed basic instructions regarding the proceedings and asked if any member wished to disclose a conflict of interest, ex-parte contact, or biases and the right of the public to challenge any commissioner’s ability to hear this matter.

No Commissioner made a declaration.

Chair Harris read the information regarding tonight's hearing into the record.

4. RESOLUTION PC 24 32 DR 09: Hwy 101 – US Markets - Lenity

The Design Review application was submitted by David Hulbert of Lenity Architecture. The Planning Commission will deliberate on Resolution PC 24 32 DR 09, a Design Review for a 3,434 sqft gas station/convenience store and coffee shop on an undeveloped parcel located at the NE intersection of Hwy 101 and 35th St., found on Assessor's Map #18-12-23-22, Tax Lot 06800. The proposal includes considerations of the store's exterior architectural features, color pallet, parking, lighting, landscaping, pedestrian walkways, access, utilities, and more. The property is zoned Highway District, regulated by Florence City Code Title 10, Chapter 16.

Opened hearing:	5:42 PM
Close Hearing:	6:30 PM
Discussion:	As follows

Planning Manager Jacob Foutz presented the staff report explaining that the application is from US Market and there will be a convenience store, coffee shop and gas station located on Hwy 101 between Chen's Family Dish and Burger King at the corner of 35/36 and Hwy 101.

- All criteria and public notice requirements were explained.
- Public testimony was explained and the testimony contained no applicable criterion that raises a question.
- The referral feedback was explained to be from Central Lincoln PUD, that that this project is a 3-phase facility and that the new infrastructure may need a new vault installation and that there is a one year wait on transformer orders, this is pertinent to the applicant and the commission.
- Western Lane Fire and EMS did not have any issues with the proposal.
- The applicant submitted a TIS to ODOT for analysis ODOT reviewed and did not find any major issues, but they will be a need for a new Highway Approach application for Hwy 101, and a permit for any construction that happens in the ODOD right-of-way.
- Florence Public Works had comments about that they have the capacity that is needed and that underneath the fueling area there are drains that need to be connected to oil water separator. The roof drain that is coming off the building has to be connected to storm water, and needs to be directed to the storm water area. The kitchen and dumpster floor drains need grease interceptors. There is enough water pressure at the site and the meter size was listed and water requires a backflow device
- The staff report has an error on pages 41 and 50 that will need to be corrected.
- SDC'S will need to be applied for as part of the building permit process.
- On page 41 staff stated that there were 1,314 plants listed and there are actually 1,536 plants proposed.
- The colors for the exterior or the building were shown on the slide and explained and staff thought them to be within the muted coastal Pacific colors.

- The floor plans and elevations for the convenience store and coffee shop were shown and explained. The south elevation, near Burger King is a blank wall, because code requires the breaks in elevation to only be on the front, staff finds this acceptable, according to code.
- The trash enclosure area was pointed out.
- The applicant proposes 2 rain gardens built to City Standards, one on the west side in the front and one on the east side that abuts the residential area to the east.
- The existing fence to the east is proposed to be part of the screening from the residential properties to the east. There is no code requirement for the Condition #4 of the fence but it needs to be in well maintained condition.
- Condition #9 the applicant is proposing shrubs under the three-gallon requirement. Plants under 3 gallons can be used in the swale area if using plants that are listed in the stormwater design manual. The majority of the plants the applicant has proposed do not meet that qualification.
- Condition #10 requires that every ten spaces there is an island proposed and there was not a tree proposed in that island as required by code.
- Condition #11 requires that the front of the building needs landscaping shrubs 3-4' in height for screen headlights from Hwy 101 FCC 10-35-2-13.
- Condition #5 the applicant shall move the bike parking to within 9'6" of the main entrance.
- Condition #6 is that the bike parking area will have signage that is required in FCC 10-3-10-G.
- Condition #17 is the extension of the walkway from 101 along the north property line. The 4' width is not allowed by code and is added to this Condition
- Condition #18 a walkway needs to be installed along the southern portion of the building to connect to the east parking area.
- Condition #19 the crosswalks need to be in contrasting paving materials of a lighter color to be able to be seen at night.
- Condition #23 requires the applicant to adjust their proposed foot candles to the range of zero to 5 foot candles. This something that the Commission may want to discuss.
- Condition #24 That all lighting not required for safety and security be turned off at the end of business hours.
- Condition #25 All externally lit commercial signs shall shine from the top and point down towards the ground, signs with uplighting shall be shielded so that illumination is restricted the sign face.

Planner Foutz said that this is the materials that the applicant submitted are very thorough but that are just a couple of things missing and need to be buttoned up to make sure they meet City code.

The alternatives were read with staff recommending Alternative #1 approving the Conditions of approval as written.

Chair Harris asked the Commissioners if they had any questions.

Comm. Lopilato said that in order for her to envision all of the traffic and the pedestrians and the bikes going in and out of this area from Burger King and all these different businesses she would like to know the proposed business hours.

- Foutz said that staff does not have any business hours submitted as part of this application.

- Comm. LoPilato asked if this is typical, because it is something she would like to see.
- Foutz explained that City Code does not regulate the hours in which a business can operate.

Comm. Young had a comment on Condition 11 regarding the landscaping along Hwy 101, the plants that the applicant has on their landscape plan is deciduous and will lose its leaves in winter, so she would rather have a broad leaf evergreen planted in that area for screening all year.

- Foutz said that he would add it as a condition.
- Comm. Kraus said that she is in agreement with Comm. Young.
- VC Ubnoske said that the questions that she has are for the applicant, so will pass for now.
- Comm. Green asked that since the applicant has an excess of one-gallon plants, if they are going to the larger 3 gallon plants can they reduce the total number of plants.
- Foutz said that they could
- Comm. Green asked if Burger King is currently in lighting compliance, because it is tough to evaluate the photometrics if the area is already too bright.
- Foutz said that staff can only hold the applicant to our code, and that they cannot make the decision based off of other properties not being complete.
- Planner Kurth said that she would let the applicant discuss how their photometric plan was created but that Burger King does have wall packs that shine upward and the back floodlight is not full cut off.
- Comm. Hauptman said that he was impressed with the information that the applicant submitted and that it is incredibly thorough.

Chair Harris asked the applicant for if they had testimony or wanted to make a presentation.

Aaron Clark with Lenity architecture provided his mailing address and responded to the comments that were made on the Conditions of approval.

- He said it looks like he has an older draft of the conditions, but will be going through and make comments on the Conditions.
- Their design team reviewed the bike parking being within 9'6" of the main entrance and there is a possibility to move the racks to exactly the area that was shown on the slide, which is the 9'6" of the main entrance.
- Also in regards to the Condition requiring for 4" window trim to be placed around the window as part of the Design Review, the applicant is in the process of looking at creating that design esthetic.
- The applicant will be reviewing the requirement regarding the 3 gallon shrubs.
- They are looking at adding the tree that is required to be planted in the parking island at the east property line. There is consideration of easements that they are looking into.
- We're looking at the access regarding the widths of the access from the southern side of the portion and along highway 101 to access the rear parking lot. There will be some modifications required with the building. He believes that now they have 4' 4" for the dimensions for the north access but that they can be changed to 5' and can be continued across. They are working with staff on the Conditions to update the building permit set.
- A new transformer will potentially be required.
- They are in the process of getting an approach application for the highway access.

- The everything in the civil comments are feasible, have been reviewed and are feasible and will be accommodated such as the grease interceptor from the restaurant.
- The applicant has looked at that access drive further and that is being negotiated in terms of easements with Burger King and they will provide templates for Public Works to actually illustrate how the maneuvering is occurring.
- They can absolutely temper the lighting as required to be within those ranges that were mentioned.
- It is the applicant's estimation that a lot of these comments are manageable and will be able to be worked through in the building permit process and will to modified to accommodate

Chair Harris asked for questions.

Comm. Green said that she has concerns about the drive through logistics and the people trying to exit from Burger King and because of a potential conflict of collisions, she would like to make a suggestion to add yield signs or warning signs of potential cross traffic.

- Also had a question about the location of the trash enclosure being located on a blind corner.
- Regarding the 3 parking spaces on the southeast corner could not be used for parking because the applicant has sufficient parking spaces for the square footage.
- This may help with potential deliveries that are come through the back area.

Clark said that there are a couple things that are going to occur with the tradeoff of adding pervious pavement and they will be searching for additional landscape area and they will recalculate the landscape requirement and that there is a potential of losing one stall and getting more parking island.

- The maneuverability of the access drive could be more perpendicular and then they could add more landscaping. The servicing of the trash enclosure usually happens very early in the morning which will minimize the conflict in regards to access from the convenience store.
- US Markets are typically open between the hours of 6:00am and 11:00pm or 5:30am to 10:00pm.
- Comm. LoPilato asked if that was 7 days a week. Applicant replied: yes
- VC Ubnoske said that she has a number of questions.
- Asked about how fuel is going to be delivered to site.
- Clark explained that the intent for the fuel delivery is to be accessed by 35th St. heading north
- The intent for fuel delivery is to be accessed by 35th heading east and then head north so they can fuel on the northern side of the site.
- VC Ubnoske asked if there is a loading and unloading area proposed on the site.
- Clark explained that there is no loading zone proposed presently but that maybe Planner Foutz can confirm requirements for a loading zone.
- VC Ubnoske asked how do the trucks unload and get product into the store.
- Clark said that he imagines access would be from the rear drive by the trash enclosure.
- VC Ubnoske asked for a confirmation on that because of the concern with the eastern side of the proposal, because she has not seen applications proposing parking adjacent to a drive aisle and that there doesn't look like there is a curb separating the two. She would like to make sure that there is enough room for people in the drive through to back out.

- Clark said that it has been analyzed and that there is adequate clearance parking stall to the maneuverability of the canopy structure. It is 32' from the parking stalls on the north to the pulse and if you minus a car at that dimension, you would be at a parking stall. You're going to be at over 24', and that's typical for an access aisle in terms of two-way maneuvering and backing out.
- VC Ubnoske asked if they are proposing any curb demarcation between the drive thru and the parking aisle and parking spaces.
- Clark said no because there is a 20' one way drive and there is no parking proposed along the drive aisle.
- VC Ubnoske said that the question is why wasn't there a curb delineating the drive thru.
- Comm. Green said that if there was a curb you couldn't get to the parking spaces.
- VC Ubnoske said that if you are in the drive through lane you are not going to the parking, you'll go further east and access the parking that way.
- Clark explained the circulation pattern, if the parking stalls on the east of the property and the start of the driving stall would not have an aisle because as you're heading north and you're trying to turn left and you. It's one way action and there is clearance. 23' to back out is appropriate for a one way drive aisle.
- VC Ubnoske asked about the access from the Burger King parking lot and if it might change with the loss of some of the parking spaces and would it drop people off into the drive through land.
- Clark said that is correct there are two access points one from Hwy 101 where you head east and turn left and queue that way and you can also come in by 35th St, and then drop into the drive land also.
- Comm. Green asked for a Burger King site plan.
- Foutz said that staff does not have a site plan.
- Comm. Green explained to Vice Chair Ubnoske, I think from Burger King, you can go that way and then exit.
- VC Ubnoske said that her concern is people coming from 35th St. and not wanting to go out to Hwy 101 and coming back along the eastern side through the back of Burger King and the way it veers off to the west into the drive thru for Starbucks.
- VC Ubnoske asked about the trash location of the trash enclosure and feels that it is problematic.
- Comm. Green said that since they are talking about losing two southeast parking spaces, perhaps the trash enclosure could be moved there, and then you wouldn't have all of that activity on that blind corner.
- VC Ubnoske agreed.
- Clark agreed with that recommendation.
- VC Ubnoske asked if the Starbucks is a full-service Starbucks.
- Clark said that it is going to be a full-service Starbucks with a drive through and a seating area.
- VC Ubnoske said that the two biggest concerns are the trash enclosure location and the conflict with the drive through land on the east side of the property.
- Comm. Kraus asked if the applicant was aware that there is a new Starbucks just south of this location on the same side of the street.
- Clark said that this is a question for the owners.
- Comm. Green asked if they were going to have security lighting on the east and north sides of the building that are motion activated.

- Clark that they can absolutely add this and that the staff report said that lighting should be shut down at a certain time each night, but that motion activated lighting is a good idea.
- Chair Harris asked that since US Market typically operated 5:30 to 10:30 or 6:00 to 11:00 will the Starbucks going to be open the same hours as the gas station, or will they have standalone hours.
- Clark said that he was not sure.

Chair Harris said that was fair enough and asked he Commissioners if they had any other questions.

Chair Harris asked the applicant if he has read the Findings of Facts and if he understands them.

- Clark said that he has read the Conditions of Approval.

There was no public testimony.

Planning Manager Foutz said that he would like to clarify a couple points that were brought up by the Commissioners, 10-3-11-D6 in our Code states that a building with a less than 20,000 sqft footprint does not require any sort of loading zone and this building is under that. Drive aisles minimum requirement is 18' and they are proposing 23, and as far as backing up out of an aisle, we have a requirement of 23', which they meet.

- Director FarleyCampbell said that the trash pickups for commercial building are in the mornings.
- VC Ubnoske said that since it was mentioned that trash pickup is in the morning, Starbucks would probably be the busiest at that time with a lot of people using the drive through lane. And if the moving of the trash enclosure is going to be Conditioned.
- Planner Foutz said that, that is a Planning Commission decision, but that staff believes that there is a little walking area from the back door to the trash can, and since this is provided, they would not be in the travel lane. Staff also believes that the location may not be preferred by the Commission, but ultimately the change would be required by the Commission.
- VC Ubnoske said that she is not concerned with the staff accessing it, she is concerned with the trash hauler coming and pulling out the dumpster and having it sit in the drive through lane.
- Comm. Green thinks that Burger King would have the same issue, but that as far as the location, we discussed two potential possibilities with them and that Mister Clark seems amenable to possibly moving it to the southeast corner or we just leave it to the trash hauler to figure out and they may have to block access to Starbuck for 5 or 10 minutes.
- Chair Harris asked if there was anything else and that it was now time to discuss closing the public hearing or leaving it open.

The Chair decided to close the hearing for Resolution PC 24 32 DR 09 and asked for a motion.

Comm. Green made the motion that the Commission make the approval with of the Design Review with Conditions of Approval and Finding of Fact as written for Resolution PC 24 32 DR 09 Highway 101 US Markets – Lenity.

Seconded by Comm. Hauptman

Comm. Young asked if the Commission was going to add the Conditions that they talked about.

VC Ubnoske said no that she is comfortable with the applicant understand the Commission's concerns and also Commissioners Green's comment about the two end parking spaces being problematic and I am hoping the applicant will work with staff

Comm. Green says that what is proposed is compliant with code and that the Commission is just making a recommendation that we think will improve their logistics.

Comm. Young said that she would like to add the Condition that they use broad leaf evergreens along Hwy 101.

Planner Foutz asked if we can get a motion to include the changes on page 41 and 50 in the staff report as well.

Comm. Green said that the motion will include the changes of the recommendation to include the Conditions on pages 41 and 50 of the staff report and also the Conditions suggested by Commissioner Young to have non deciduous, specifically broad leaf evergreen shrubs, but not coniferous, with the four to five foot height as proposed in code along the frontage of Highway 101.

Planner Foutz said yes.

Chair Harris asked if we still had a second from Comm. Hauptman. Comm. Hauptman said yes. And since there is a new condition that has arisen during our deliberation. The applicant has an opportunity to respond. Do you have a response?

Clark said that they do not oppose the approval and they will work with their landscape architect to ensure the sizing and the screen along Highway 101 and that this additional condition is ensured on the project

Chair Harris said that there is a motion by Commissioner Green. And a second by Commissioner Hauptman. Staff, please poll the commission.

Vote: VC Ubnoske: yes
Comm. Green: yes
Comm. LoPilato: no
Comm. Kraus: yes
Motion carried 6-1
Hearing Opened: 5:42
Hearing Closed: 6:30

5. PLANNING COMMISSION REPORTS & DISCUSSION ITEMS DIRECTOR'S REPORT & DISCUSSION ITEMS

Planning Commission Reports:

Comm. Green mentioned that she volunteered at the hazardous waste take back last week and that there were well over 130 people that came through and that it was an enjoyable day.

Director's Report:

Director FarleyCampbell talked about the Florence Work Plan and that it was discussed at last meeting and she wanted to give the people that were not at that meeting the opportunity to provide input on any items that could be finished by the end of the year June 30, 2025 and then for the Commission to be thinking about 3 items for next biennial work plan that will go into effect on July 1, 2025.

Director FarleyCampbell provided a recap and let the Commission know that the minutes will also contain items that were discussed. Items that from last meeting included finishing up short term rentals, finishing vegetation preservation, finishing up manufactured home and RV Park code updates, code updates for child care in Chapter 7 and 19. Work on pollinators. Improving and implementation for communication and education for contractors and the community with fact sheets, handouts, updating the webpage and project applications.

- Director FarleyCampbell sees an opportunity to the easiest updates to be lumped into one hearing like the lighting code, design reviews, architectural options, daycare, and the pollinators.
- Comm. Green asked how would hitting the 10,000-population mark would impact the Commission.
- Director FarleyCampbell said that it would depend on how the City wants to handle the updates.
- Comm. Green asked if this would change the work plan significantly.
- Director Farley Campbell said that it depends on how much the Commission gets done by June 10, 2025.
- Chair Harris said that he would like to knock out as many updates as possible, and would like to finish up the short-term rentals and has an interest on the time us manner for the ketamine clinics and adult entertainment and like to figure that out especially since our population is going to grow.
- Comm. Hauptman asked about the 2030 census.
- VC Ubnoske said that she would like to see something done will the blank walls on commercial buildings because people park behind them and they will be looking at blank walls, and would like some sort of articulation on all four sides of buildings.
- Director FarleyCampbell said that this could be added to the update.
- Comm. Green thinks that would be good for industrial buildings.
- Comm. Krause said that if you are driving south to north, you oftentimes see the south facing wall.
- Comm. LoPilato said that at the last meeting it was discussed briefly on how to tackle this process.
- Director Farley Campbell said that it was suggested that a little bit of time at the end of each meeting to discuss these items.
- Comm. Green thinks that the meatiest issues to attack are short-term rentals, manufactured home parks and RV codes.
- Comm. Hauptman agreed.

Comm. LoPilato asked if there was a way for the public to give the Commission their feedback such as a survey of some kind or an open house at the FEC or something.

- The Commission discussed at length the type of meeting and where they might be able to hold this type of event.

FarleyCampbell told the Commission that the dates that DLCD can do training are October 25, November 8, November 15, November 12, and November 19, and asked them to look at their calendars check their availability and to email her. The Commission discussed maybe taking this as an opportunity to include some public outreach and discussed locations as to where this might be held.

FarleyCampbell thanked the Commissioners for attending the City Council meeting the previous night in receiving the Proclamation celebrating Community Planning Month and thanked the Commission for all the hard work they do and thanked Comm. Green for assisting in the household hazardous waste even.

There is a meeting scheduled with the Council on December for ethics training at 5:30 and it will be held in the City Council Chamber.

October 24th will be a short-term rental outreach to the community on the proposed code that Associate Planner Kurth presented to them at their work session. October 24th, 5:30 pm at City Hall.

6. PLANNING COMMISSION CALENDAR

Planner Manager Foutz said that the next meeting is October 22th and that there will be an 4th Avenue Annexation application. And then on November 12th there is an annexation application as well as Butter Clam/Siuslaw Bay View with the potential for an Elm Park PUD application as well, the PUD is a little bit more up in the air.

Planner Kurth announced that the Art Expose will be hosting two walks next week on Thursday, October 17th they will start at city Hall and walk around and look at the art. Chantelle Myers will be leading the tour. This is the way for the City to celebrate Walktober that LCOG is putting on. I will send out a link tomorrow morning.
That'd be great.

Any other calendar updates from. All good?

The meeting adjourned at 7:14 PM.

ATTEST:

Kevin Harris,

Chair

Sharon Barker, Planning Technician