

**ELM PARK PUD
No. PC 24 27 PUD 01**

**NOIC REVISED
COMBINED ATTACHMENT TO
PRELIMINARY PLAN APPLICATION AND REPLAT APPLICATION
9-26-24**

This application is for (1) PUD preliminary plan approval and (2) replat of the existing twenty (20) lots of Block 57 of Central Park Addition to Florence (“Block 57”) into three (3) lots meeting the current lot size and width requirements of the POI District.

We filed our design review application on September 1, 2024, and requested that it be resolved before the PUD final plan review process so we can have all conditions in hand when presenting the final plan.

We received the City’s September 13 NOIC. Much of the NOIC was directed not to items not required for the PUD or replat application but to those required for design review, which had been covered in our design review submission. We responded to the NOIC on September 26 (the “NOIC Response”).

We incorporate the information included in the NOIC Response into this Revised Combined Attachment to Preliminary Plan Application and Replat Application (“PUDAA”). We have included “per NOIC comment” at each insertion point to facilitate electronic searching. Revised Exhibits are designated with a (1) after the previously given exhibit letter or number. New exhibits are introduced by “new.” The revised list of exhibits identifies the revised exhibits and the new exhibits. We request one additional modification under the PUD ordinance.

THE APPLICANTS AND OWNER

Applicant for the Preliminary Site Development Project and the Affordable Rental Housing Project:	Our Coastal Village, Inc., an Oregon public benefit corporation (“OCV”) Attn: K. Layne Morrill klaynemorrill@gmail.com PO Box 108, Yachats, Oregon 97498-0108 602-432-6291
Applicant for the Early Learning Facility Project:	Chestnut Management, LLC, an Oregon limited liability company (“Chestnut”) Attn: K. Layne Morrill klaynemorrill@gmail.com PO Box 108, Yachats, Oregon 97498-0108 602-432-6291

Property Owner:	City of Florence Attn: Erin Reynolds, City Manager erin.reynolds@ci.florence.or.us 250 Highway 101 Florence, Oregon 97439 541-997-3437
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OCV is a 501(c)(3) public charity on the central Oregon coast that develops and operates affordable housing for families earning at or under 30%, 40%, 50%, and 60% of the area median income (“AMI”). OCV recently completed the 24-unit Oak Manor Apartments at 3944 Oak Street in Florence. However, OCV lacks corporate power to develop commercial projects such as an early learning facility.

Chestnut, a for-profit affiliate of OCV, has the corporate power to develop commercial projects such as an early learning facility. Chestnut’s development experience is co-extensive with OCV's, and they are under common control.

THE DEVELOPMENT TEAMS

The following table identifies the development teams for the three distinct projects in the proposed Elm Park PUD on Block 57.

Preliminary Site Development Project (“PSD”)	
Developer:	Our Coastal Village, Inc.
Survey:	John Davis, KPFF Engineering
Civil Engineer:	Anna Backus, KPFF Engineering
Geotechnical:	Ronald J. Derrick, Branch Engineering
Anthropological:	Maury Morgenstern, Geosciences Management
Landscape:	Julie Gunnell, Laurel Bay Gardens
Wetlands:	Sam Rabe, Branch Engineering
Elm Park Apartments Project (“EPA”)	
Developer:	Our Coastal Village, Inc.
Architects:	Mike Magee and Leanne Love, BDA Architecture
Structural Engineers:	Dan Herford, McGee Engineering
Owner’s Representative:	Doug Nelson, nelson Capitol CPM, LLC
Likely GC:	Meili Construction Company, Gary Meili
Housing Market Study:	Jeremy Snow, Colliers Valuation

Early Learning Facility Project (“ELF”)	
Developer:	Chestnut Management, LLC, an Oregon limited liability company
Architect:	John Stapleton, Pivot Architecture
Structural Engineers:	KCL Engineers
Likely Owner’s Representative:	Jeff Caldwell, Klash Group
Likely GC:	Hyland Construction, McKenzie Construction, or Fortis Construction, all of which are experienced in the construction of educational buildings
Childcare Market Study:	In-house with assistance and data from Holly Mar-Conte, Childcare Sector Strategist, Onward Eugene

DUE DILIGENCE REPORTS

Phase 1 Environmental:	Cary Midwood, PBS Engineering & Environmental
Geotechnical and Wetlands:	Ronald J. Derrick, Branch Engineering
Boundary/Topo Survey:	John Davis, KPFF
Anthropological:	Maury Morgenstern, Geosciences Management (ongoing)
Wetlands:	Sam Rabe, Branch Engineering
Traffic Impact:	Chris Clemow, Clemow Associates

THE PRELIMINARY SITE DEVELOPMENT PROJECT

The City of Florence owns Block 57. OCV and the City have entered into a Real Estate Purchase and Sale Agreement to purchase a portion of Block 57 (the “EPA Site”). Chestnut and the City have entered into a Real Estate Purchase and Sale Agreement for Chestnut’s purchase of the rest of Block 57 (the “ELF Site”). The Parcel Map in **Exhibit A-1** shows the 20 lots presently making up Block 57. The Parcel Map in **Exhibit A-2** shows the locations and dimensions of the EPA Site (Lots 1 and 2) and the ELF Site (Lot 3) as well as the lot lines of the proposed replat.

Access to the EPA Site and the ELF Site is from Greenwood Street and Fir Street along a platted alley, which becomes the drive lane for the parking area. From the alley to 10th Street, a 12’ one-way (south) lane provides for the safe drop-off and pickup of children at the ELF. No access permits are required because no county or state roads are adjacent to Block 57.

Although not required for PUD preliminary plan submission, **Exhibit B** contains the EPA and ELF site title reports. No easements cross Block 57, except for the alley right of way. The owner of the ELF Site will grant an easement to the owner of the EPA Site over the easternmost 87 feet of the northernmost 19 feet of the ELF Site for parking and landscaping.

Although not required for PUD preliminary plan submission, **Exhibit C** was an ALTA survey of Block 57 performed by KPFF Engineering. It showed the locations of available utilities and the dimensions of water, sewer, and storm sewer lines presently in Greenwood Street on the east side of the Block. Per NOIC comment, **Exhibit C(1)** submitted herewith revises the ALTA survey to include the 65' setback from RAIR-B (and the dimension of the paved southbound lane of Greenwood, which is 20.3 feet).

FCC section 10-7-3 identifies “potential problem areas” for development. In any such problem areas, “No development permit (such as a building permit or land use permit) subject to the provisions of this Title may be issued” without “affirmative findings” based on a site investigation report. FCC 10-7-6-A. So, those issues must be resolved in the context of PUD before the final plan is approved.

Only three of the “problem area” triggers are arguably applicable to Block 57.

First, a site investigation report is required when slopes exceed 12% (FCC 10-7-3-E). Slopes on Block 57 do not exceed 12%, as shown in the geotechnical report provided to staff.

Second, per NOIC comment, FCC 10-7-3-H requires a drainage plan for areas outside a significant riparian area with “seasonal standing water.” Neither our Geotechnical Report nor our Wetlands Report identifies any “seasonal standing water” area on the EPA Site or the ELF Siute that would require a drainage plan under 10-7-3-H. The City has identified no such area.

Third, a site investigation report is required if wetlands or significant riparian areas are involved. (FCC 10-7-4). The Wetlands Report delineates 122.5 square feet in the northwest corner of Block 57 as part of the RAIR-B “significant riparian area.” The rest of the drainage channel is within the rights of way for Fir Street, 11th Street, 10th Street, and the City’s Elm Park property to the west of Block 57.

The City will construct its North 9th Street Infrastructure Project, including Fir Street from 9th Street to 12th, 10th Street from Greenwood to Fir, 11th Street from Hemlock to Fir, and Greenwood Street from 11th to 12th (the “Infrastructure Project”). Culverts will be necessary to keep the drainage channel flowing in its current location and elevation. **Exhibit D** provides a map showing the current scope of the Infrastructure Project. Per NOIC comment, the City has publicly announced that the design of the Infrastructure Project will be 50% complete in November 2025 and 100% complete in January 2025. Construction of the Infrastructure Project will be completed in August 2025. The EPA construction will begin on April 1, 2025, and end on April 1, 2026.

Per NOIC comment, **Exhibit C(1)** submitted herewith shows the 65' buffer area related to RAIR-B (and the width of the paved southbound lane of Greenwood Street, 20.3 feet). Based on the City’s Infrastructure Project, which will build public facilities within the rights of way for Fir Street, 10th Street, and 11th Street, we request a modification of the 65-foot setback line to protect the drainage channel from development impacts.

Both the Wetlands and Riparian Plan (pp. 34, 39) and the City Code (FCC 10-7-4-B-3 and 10-7-4-D-1-h) provide exceptions for “public facilities.” The Infrastructure Project will develop

public facilities consisting of Fir Street (and related utilities) to the west, 10th Street (and related utilities) to the south, and 11th Street (and related utilities) to the north of the EPA Site. Under FCC 10-7-4-D-1-h, the City must see that the “public facilities” are “designed and constructed to minimize intrusion into the wetland” and must replant “disturbed areas” with “native vegetation.” Once the City has completed the Infrastructure Project, that Project will block the EPA site from adversely impacting the RAIR-B “significant riparian area.” According to the City, the Infrastructure Project will be completed in August 2025, at least seven months before April 1, 2026, when EPA construction will end.

Exhibit E-1(1), submitted herewith, shows that Building B is located 19’ 9” south of the 11th Street right of way and 12’ east of the Fir Street right of way. Building B is located 70’ east of the Fir Street right of way and 12’ south of the 11th Street right of way. It is doubtful that any new public facilities will extend far enough into the EPA site to impact the proposed building locations. According to the staff presentation at the August 19 Council meeting, the city will receive 50% design submittal plans in November 2024 and final plans in January 2025, so the exact location of the public facilities will not be known for some time.

The revised PUDAA requests a PUD modification of the 65’ buffer area to the areas shown in **Exhibit E-1(1)** site plan north and west of Buildings A and B based on the public facilities exemption for the public facilities being built within this “significant riparian area.”

Per NOIC comment, a project that includes 25 dwelling units requires a traffic impact study (“TIS”). FCC 10-1-4-E-2-c. Because the EPA includes 32 dwelling units, a TIS is required; the TIS is submitted as new **Exhibit L** to this revised PUDAA. It shows that no traffic improvements are required and that southbound Greenway Street is wide enough to permit parallel parking opposite the ELF. It also recommends eliminating the median opposite the alley to allow northbound traffic to turn left into the alley.

Per NOIC comment, FCC 10-36-4 requires a project involving more than one acre disturbance to obtain a DEQ National Pollution Discharge Elimination System Permit before site disturbing work. Our Department of Environmental Quality Land Use Compatibility Statement is found in new **Exhibit M**.

At our pre-application meeting, the Fire Chief advised that fire flows are adequate in Greenwood Street.

THE ELM PARK APARTMENTS PROJECT

The EPA is a 32-unit affordable rental housing project with related common elements on the EPA Site, which is 1.10 acres (47,992.5 square feet). The 32 units are in three (3) 3-story buildings and two (2) 2-story buildings. Six (6) units are 1-bedrooms, sixteen (16) are 2-bedrooms, and ten (10) are 3-bedrooms, averaging 2.13 bedrooms per unit. All units will be set aside for families at or under 60% of AMI, with a mix of incomes below 60% of AMI to align with Head Start eligibility.

The Site Plan (including unit floor plans) for the EPA is found in **Exhibit E-1(1)** submitted herewith. Preliminary architectural elevations and perspective drawings for the EPA are in **Exhibit F**. The architecture will be distinctive and attractive, featuring variations in building walls, offsets, rooflines, entries, architectural details, colors, and materials. Amenities will include (i) a garden area with a greenhouse and raised beds where residents can participate in a gardening program overseen by a Florence master gardener, (b) an adjacent lawn area, (c) a playground for small children, and (d) an adjacent community room with a large covered porch facing the playground.

We have applied for funding with Oregon Housing and Community Services (“OHCS”) under its new Oregon Centralized Application (“ORCA”) process. We have completed all the Impact Assessment milestones and should have a conditional funding commitment by November 1, 2024. We are working with Banner Bank and Washington Federal to obtain a construction and permanent loan. We are also developing a plan to seek investor capital in exchange for limited partner or member interests to which the depreciation, amortization, and interest deductions would be allocated. We should be able to complete our land use approval and the required engineering and architectural plans to permit starting construction on April 1, 2025.

THE EARLY LEARNING FACILITY PROJECT

The ELF will provide early/learning and childcare for up to 80 children during the school day and after-school care. The ELF Site is 0.37 acres (15,997.5 square feet). The ELF will house Head Start and Early Head Start in two classrooms operated by Head Start of Lane County (“HSOLC”). Families under 100% of the federal poverty line are eligible for Head Start. Two additional classrooms will be leased to community childcare providers for children not eligible for Head Start. The building will be about 5,500 square feet with about 2,250 square feet of outdoor play area – part for 3-5-year-olds and part for children between 18 months and 3 years.

The ELF's architecture and building quality will match those of the EPA. The Site Plan (and floor plan) for the ELF is found in **Exhibit E-2**. The owner of the ELF Site will grant an easement to the owner of the EPA Site for the easternmost 87 feet of the northern 19’ of the ELF Site for apartment parking and landscaping.

Architectural elevations and a perspective drawing for ELF are in **Exhibit G**.

The State of Oregon recently enacted two new programs to finance new early learning facilities: the Childcare Infrastructure Fund (“CCIF”) administered by Business Oregon and the Build Up Oregon program to encourage the co-location of early learning centers with affordable housing. We have applied for a \$2 million grant from CCIF. Build Up Oregon launches in October, and we will apply for a \$750,000 grant. HSOLC is applying for a \$2 million HHS facility construction grant. We are also working with The Ford Family Foundation and the Oregon Community Foundation on grants to help with the cost. We also seek financial participation from Florence’s significant employers and the broader community. Construction on the ELF will probably begin around July 1, 2025, due to the delayed rollout of CCIF and Build Up Oregon.

PRELIMINARY DEVELOPMENT PLAN

The Elm Park PUD Preliminary Plan provides all seven (7) items required by FCC 10-23-10.

1. The map attached as **Exhibit A-2** shows street systems, lot or partition lines, and other divisions of land for management, use, or allocation purposes. Specifically, it shows the streets surrounding Block 57, the 1.10-acre (47,992.5 square foot) EPA Site consisting of Lots 1 and 2, and the 0.37-acre (15,997.5 square foot) ELF Site, consisting of Lot 3.
2. The site plans submitted herewith as **Exhibit E-1(1)** and new **Exhibit N-1**, new **Exhibit N-2**, and **Exhibit E-2** submitted earlier, show the public alley used for two-way ingress and egress and the one-way travel lane from the alley to 10th Street for dropping off and picking up children from the early learning center. No public streets or other dedications are included in the Elm Park PUD, and per NOIC comment, no public utility easements are included in this PUD.
3. Revised **Exhibit E-1(1)** contains the EPA plot plan (and floor plan) for each building site and common open space area, show the approximate location of buildings, structures, and other improvements, show the width of sidewalks and pedestrian pathways per NOIC comment, and indicate the open spaces around buildings and structures. **Exhibit E-2** contains the ELF plot plan (and floor plan) and common open space area, shows the approximate location of the ELF and other improvements, and indicates the open spaces around buildings or structures. New **Exhibit N-2** shows the width of ELF sidewalks and pedestrian pathways. **Exhibit K** identifies and quantifies the Elm Park PUD's open and recreational spaces.
4. **Exhibit F** provides architectural elevations and perspective drawings of all proposed structures on the EPA Site, including five apartment buildings, a community room and rental office building, and the greenhouse. **Exhibit G** provides architectural elevations and a perspective drawing for the ELF.
5. Neither EPA nor ELF is a phased project. The common areas and open spaces will be constructed simultaneously with the buildings. We expect construction of (a) the EPA (including common area open spaces and improvements) project to begin in April 2025 and to be completed in April 2026 and (b) the ELF to begin in July 2025 and to be completed in June 2026.
6. Different entities with different members will own the EPA and the ELF. Each entity will remain responsible for maintaining, repairing, and replacing its common areas. No CCRs or other agreements are required.
7. The Site Plans in **Exhibit E-1(1)** and **Exhibit E-2**, together with new **Exhibit N-1** and new **Exhibit N-2**, show the required (a) off-street parking and loading plan and (b) circulation diagram indicating the proposed movement of vehicles, goods, and pedestrians within the Elm Park PUD. Per NOIC comment, the revised landscape plan is in **Exhibit H(1)**.

POI PERMITTED USES AND STANDARDS

POI Permitted Uses

Our June 12, 2024, Outline Development Plan submission shows that high-density residential and childcare centers are permitted uses in the POI District under the Comprehensive Plan and state law.

POI Standards

Standards in the POI District under FCC 10-25-4 include the following:

A. Minimum lot area of 15,000 square feet.

Proposed Replatted Lots 1, 2, and 3 are larger than 15,000 square feet.

B. Minimum lot width of 100 feet.

Proposed Replatted Lots 1, 2, and 3 are wider than 100 feet.

C. Density.

When seeking a PUD in the POI District, the minimum density achievable is “five (5) dwelling units per acre,” and the minimum area “for [a] PUD is one acre.” The POI District has no maximum residential density. The High Density Residential district provides a maximum residential density of 25 units per acre. FCC 10-10-4-E. At 25 units per acre, 29 would be allowed on the EPA Site. State law now mandates an affordable housing density in commercial districts at 150% of the otherwise allowable density. ORS 197A.445(9)(b)(B). That permitted density is 37.5 (25 x 1.5) units per acre. The EPA includes 32 units on the 1.10-acre EPA Site, which is 29 units per acre.

D. The minimum front and street-side yards are 20'. Otherwise, no side or rear yard is required.

We request a minimum front and street-side yard of 10 feet on Lots 1, 2, and 3 to increase density for this affordable rental housing project and the early learning project. These yards are double the 5' yards required for high-density residential. At both the EPA Site and the ELF Site, some yards are more than 10 feet. See below under Policies Served and Modifications Requested our request to modify this standard.

E. The height limitation is 35', and residential uses must comply with Section 10-10-5.

State law mandates that affordable housing projects have a height limit 24' higher than generally permitted in the district. ORS 197A.445 (9) (b) (B). So, the POI height limit is 59'.

Under Section 10-10-5, for primary residential structures, “the maximum building or structural height shall be thirty-five feet (35’) excepting High Density District which shall permit forty feet (40’), limited to three stories.” FCC 10-10-5-A. Because POI allows high-density residential, it should be considered High Density District. So, the limit would be forty feet (40’) and three stories. FCC 10-10-5-A.1. State law, however, requires that affordable housing with 32 units in a commercial zone be allowed a height 24’ higher than the otherwise allowable limit. Thus, the height limit is 64’ (40’ + 24’).

Buildings in Elm Park PUD do not exceed three stories or forty feet (40’) in height.

F. Landscape and visual buffers must comply with chapter 10-34.

Between apartment Building E and the ELF, buffering and screening are required. A “15-foot buffer with 6’ solid wood fence or block wall or a 15-foot landscaped buffer” is needed between commercial and multiple-unit residential uses. FCC 10-34-3-7-D. The 12-foot one-way drive area west of the ELF, plus the west sidewalk, creates a 17-foot buffer. We propose a 6-foot escallonia hedge just west of the west sidewalk with the right to substitute a 6-foot wood fence or block wall. See below under Policies Served and Modifications Requested our request for a slight relaxation of this standard to allow the proposed buffer.

Any walls or fences between the building and the street cannot exceed 4 feet in height in a front yard. Fences and walls can be 6-8 feet high in rear and side yards. FCC 10-34-5. Given the “whole block” area of the Elm Park PUD, access through a platted alley that bisects the block, and residential units and community buildings accessed from the alley, the location of the “front yards” for the three (3) Lots is not clear.

The Code defines “yard” as “An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.” A “front yard” is “An area lying between side lot lines, the depth of which is a specified horizontal distance between the street line and a line parallel thereto on the lot.” A “rear yard” is “An area lying between side lot lines, the depth of which is a specified horizontal distance between the rear property line and a line parallel thereto on the lot.” A “side yard” is “An area adjacent to any side lot line, the depth of which is a specified horizontal distance measured at right angles to the side lot line and being parallel with said lot line.” FCC 10-2-13.

On a “corner lot,” both lot lines on streets are the “front line,” but either street lot line can be “designated” as “the front lot line” by the Planning Commission in a partition proceeding. FCC 10-2-13. As part of the Replat of Block 57, we request that the lines of Lots 1 and 3 near and parallel to Greenwood Street be designated the front lot line and that the lot line of Lot 2 near and parallel to Fir Street be designated its front lot line.

So, for Lot 1, the front yard would be the area between Greenwood Street and Building C. We request that, if we elect to build walls or fences, then the height limits are (a) on the front yard line, 4’ from the alley north to a point opposite the south wall of Building C, and 6-8’ to the north lot line; (b) in the north side yard, 6-8’; (c) in the western rear yard, 6-8’ except 4’ from the southern wall of Building A to the alley.

For Lot 2, the front yard would be the area between Fir Street and Building D. We request that, if we elect to build walls or fences, they would be limited to (a) 4' in the front yard from the alley to the north wall of Building D and 6-8' south to the south lot line; (b) 6-8' in the south side yard; and (c) 6-8' in the eastern rear yard.

For Lot 3, the eastern lot line would be the front lot line, but the height limit for fences or walls in all yards would be 4'.

See below under Policies Served and Modifications Requested our request for these modifications to the fence and wall standards.

Per NOIC comments, our revised Landscape Plan, **Exhibit H(1)** submitted herewith, satisfies the other standards of chapters 10-34.

G. Parking must comply with Chapter 3 of Title 10.

The Code's parking provisions "provide basic and flexible standards for developing vehicle and bicycle parking." Each development "has a unique parking need and provides a flexible approach for determining parking space requirements (i.e., 'minimum' and 'performance-based' standards)." FCC 10-3-1.

The entire PUD area is eminently walkable. Within one mile of the PUD are a grocery store, hardware store, hospital, medical and dental offices, public library, post office, police station and city court, city hall, and many other employers. Schools are from 1-3 miles away. The PUD area's walkability should mean less automobile use than at other less walkable sites.

The Code states, "The minimum parking spaces may be reduced by up to 10% if: a. The proposal is within a ¼ mile of an existing or planned transit route, and b. Transit-related amenities such as transit stops, pull-outs, park-and-ride lots, transit-oriented development, and transit service on an adjacent street are present or will be provided by the applicant." FCC 10-3-C.1.

The Rhody Express provides service along 9th Street, less than ¼ mile from the PUD. 9th Street is an "adjacent street" to the PUD. The definition of "adjacent" is "Lying near or close to, but not necessarily touching." Black's Law Dictionary (11th Ed. 2019). "Adjoining," by contrast, means "Touching; sharing a common boundary; contiguous." *Id.* The Code acknowledges the breadth of "adjacent" by using the phrase "immediately adjacent" many times to refer to two things that are "touching" or "contiguous." *E.g.*, FCC 10-2-3-B.2; 10-2-13("Coastal Shorelands"); 10-19-3A; 10-28-5-G.4; and 10-34-3-7.D.

The Traffic Impact Study, new **Exhibit L**, shows that riders of the Rhody Express "may request to board or get off the bus at any location along the route. The bus operator will stop the bus at the nearest safe location." (p. 5). The Code does not require the transit stop to be within ¼ mile of the PUD. It requires only that the "transit route" be within ¼ mile. FCC 10-3-C-1-a. The items in FCC 10-3-C-1-b are not required to be within ¼ mile of the site – only to be "present." The ELM Park PUD will be a "transit-oriented development." We will promote Rhody Express by making maps and schedules available in the rental office, the community building, and the ELF.

We will also donate to cover the cost of refreshing the Peace Health campus bus shelter by sanding, applying a rust-resistant undercoat, and then repainting or replacing it if replacement is preferred. For any EPA residents who commit to riding the Rhody Express to commute to and from work, we will provide bus tickets or reimburse a Rhody Express receipt for purchasing bus tickets. A book of 20 tickets currently sells for \$20, and for a round-trip ride, two tickets are required. So, for 22 round trips per month, 44 tickets would be needed for \$44.

“The minimum number of parking spaces may also be determined through a parking demand analysis prepared by the applicant and approved by the Planning Commission.” FCC 10-3-3-C. The parking demand for affordable rental housing set aside for lower-income groups is less than at a market-rate apartment complex. In the recent case of Shore Pines at Munsel Creek, the Planning Commission accepted the results of a parking demand study to allow fewer parking spaces than the required minimum. During peak hours, observations of apartment parking lots in Florence showed that only 70% of the spaces were occupied. The study by Clemow Associates, LLC, dated April 23, 2021, found 82 parking spaces were adequate for the 68 Shore Pines units consisting of 34 one-bedroom and 34 three-bedroom units, compared with the minimum parking requirement of 102 spaces ((1 x 34) + (2 x 34)). A copy of the parking demand study is attached as **Exhibit I**.

Using that methodology, 41 spaces are adequate for the EPA, rather than the 50 calculated under Table 10-3-1. A copy of the comparative calculation for the EPA is attached as **Exhibit J**.

The EPA provides 41 parking spaces.

The EPA proposes less parking than the minimums in Table 10-3-1 for multifamily based upon (a) the EPA Site’s extreme walkability, (b) the 10% transit discount of FCC 10-3-3-C.1, and (c) the parking demand analysis. The number of spaces provided is 41, the number supported by the parking demand study.

Table 10-3-2 addresses the required accessible parking under FCC 10-3-5. EPA provides 41 on-site parking spaces, so we must provide two (2) accessible spaces. They can be separated by a single 96” wide access aisle. The EPA Site provides the required two (2) accessible spaces.

For multifamily use, long-term covered, enclosed bicycle parking is required at one space for every three units. FCC 10-3-10-C. At 32 units, eleven (11) long-term covered, enclosed bicycle parking spaces are needed, and twelve (12) are provided.

Screening is not required for the EPA parking spaces facing the ELF Site because it is a nonresidential use. FCC 10-3-8-D.

The ELF building is 5,500 square feet. Required parking is one space for every 500 square feet of building. FCC 10-3-3-B. Eleven (11) parking spaces are required. One (1) space (accessible) is provided immediately east of the north end of the drop-off lane. Eight (8) parallel parking stalls are provided on 10th Street and Greenwood Street. Under FCC 10-3-3-B, these on-street spaces count toward the required minimum. Two (2) spaces are accessed from the 12-foot one-way lane. Backing movements from those parking spaces onto the one-way drive lane (not a street) are not prohibited. FCC 10-3-8-I; 10-35-2-7-C (backing movements from more than two parking spaces into a street are not allowed). Eleven (11) spaces are required for the ELF, and we provide eleven

(11). Per NOIC comment, the TIS, new **Exhibit L**, shows adequate width of the southbound lane of Greenwood Street for the parallel parking opposite the ELF.

The ELF must provide one accessible parking space under Table 10-3-2, and one is provided.

As a nonresidential use, the ELF must provide one short-term bicycle space for every ten (10) parking spaces. FCC 10-3-10-B. One (1) short-term bicycle space is required; two (2) are provided at the entrance to the ELF building.

H. Signs shall be in accordance with Title 4, Chapter 7.

Signs for the Elm Park PUD will meet all requirements of Title 4, Chapter 7.

I. Trash enclosures must have appropriate screening.

The two trash enclosures will be screened by masonry walls with metal access gates and a metal roof.

J. Access and circulation must comply with Chapter 10-35.

Chapter 10-35 specifies standards applicable to vehicular access and circulation, pedestrian access and circulation, and transit facilities.

The civil engineering drawings submitted as **Exhibit 2** and **Exhibit 3** to our design review application, and for convenience submitted herewith as new **Exhibit N-1** and new **Exhibit N-2**, show that Elm Park PUD complies with the access and circulation requirements of Chapter 10-35.

K. Public Facilities are governed by Chapter 10-36.

Chapter 10-36 lays out provisions relating to the design of public facilities.

The civil engineering drawings submitted as **Exhibit 2** and **Exhibit 3** to our design review application show that Elm Park PUD complies with the access and circulation requirements of Chapter 10-36. For convenience, they are submitted herewith as new **Exhibit N-1** and new **Exhibit N-2**.

L. Lighting is governed by Chapter 10-37.

The lighting plans submitted in **Exhibit 2** and **Exhibit 3** to our design review application show that Elm Park PUD complies with Chapter 10-37's lighting standards.

POI Design Standards

In the POI District, all buildings must “relate in scale and design features to the surrounding buildings. All visibly exposed sides shall be attractively detailed with regard to style, materials, colors, and details. Building wall offsets, including projections, recesses, and changes in floor

level, shall be used to add architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.” FCC 10-25-5-A.

The ELF will be on a “corner lot” and will be considered an “especially significant structure” since it will have “two front facades visibly exposed to streets.” The apartment buildings on the three outside corners of the EPA Site may also be “especially significant structures.” Such buildings shall be designed with “additional architectural detail and embellishments to emphasize their significant location.” FCC 10-25-5-B.

The apartment buildings not on an outside corner will face “internal open space or in public view” and shall be architecturally emphasized through window treatment, entrance treatment, and details. Blank walls or service area treatments of side and rear elevations visible from the public viewshed are prohibited.” FCC 10-25-5-C.

The Code encourages “architectural embellishments” to be employed “to add visual interest to roofs, such as dormers, masonry or wood chimneys, cupolas, towers, and other similar elements.” FCC 10-25-5-D.

Façade lighting must be from the exterior and “concealed through shielding or recessed behind architectural features.” FCC 10-25-5-E. And HVAC equipment, satellite dishes, and telecommunications equipment “shall be thoroughly screened from view from both the public right of way and adjacent properties by using walls, fencing, roof elements, or landscaping, except solar photovoltaic and solar thermal energy systems as allowed by HB 3516. Such screening devices shall be compatible with building materials and/or adjacent area landscape treatments.” FCC 10-25-5-F.

The preliminary architectural drawings for EPA (**Exhibit F**) and ELF (**Exhibit G**) satisfy the POI District design standards.

These drawings show that the long horizontal lines of the apartment buildings are interrupted by porches and balconies, stairway areas, insets and popouts, vertical trim around three stories of similar windows, and variations in roof lines, including two 2-story buildings among the remaining 3-story buildings. We will also have a differing but complementary color palette with changes where walls articulate. This creates a strong architectural interest from all directions and angles.

The POI design standards also require residential uses to “conform with applicable clear and objective design standards established in FCC 10-10.” FCC 10-25-5-G.

Section 10-10-9 applies to “multi-unit dwellings,” defined as a building containing “more than five (5) units.” FCC 10-10-9-A. Buildings B, D, and E are multi-unit dwellings. Buildings A and C contain only four (4) units and are not multi-unit dwellings.

Where “multi-unit dwellings” are arranged end-to-end, the minimum separation is 10’; otherwise, the separation is 30’. FCC 10-10-9-B.1.

Because Buildings A and C are not multi-unit dwellings, the minimum distance provisions do not apply. Even so, we provide a separation of 19' 7," which is nearly twice the required separation for end-to-end multi-unit dwellings.

The following arrangement of multi-unit dwellings is clearly "end-to-end."



The opposite of "end-to-end" is "face-to-face," as in the following grouping.



It is also possible, however, to view multi-unit dwellings as "end-to-end" in the following arrangement because they are not face-to-face; instead, the ends of the east-west multi-unit dwelling point to the end of the front wall of the north-south multi-unit dwellings.



Our layout of non-multi-unit dwellings A and C is end-to-end with multi-unit dwelling B rather than "face-to-face" because the end walls of Building B face the end of the front wall of Buildings A and C. In these cases, we have a minimum of 19'7" separation, nearly double the required 10' for end-to-end. (See below under Policies Served and Modifications Requested our request for a slight relaxation of this standard, in the event the Planning Commission disagrees with this interpretation.) The separation between multi-unit dwellings D and E is the required 30 feet.

The one-story building containing the community room, office, maintenance, and bike storage is not a multi-unit dwelling, and neither is the greenhouse, so the separation rules do not apply.

See below under Policies Served and Modifications Requested our alternative request to relax the separation standards for multi-unit dwellings.

In addition to the requirements of Chapter 10-36, "the developer of a multi-unit dwelling shall have full financial responsibility for the utilities needed on the building site. The developer shall also have partial or full financial responsibility, as determined by the City, for extra capacity

utilities required to serve the building site.” FCC 10-10-9-B.2. In our case, as a matter of private contract, the City will construct all offsite public facilities necessary to serve the Elm Park PUD. Per NOIC comment, this PUD includes no public facilities constructed by Applicants.

Multi-unit dwellings must have “at least one common open space for the use of all occupants” with the following characteristics: (a) Not less than ten feet (10’) in width or depth at any point; (b) located on land with less than a five percent (5%) slope; (c) cleared sufficiently of trees, brush and obstructions so that intended recreational use proposed is possible; (d) not used for temporary or regular parking of automobiles or other vehicles; (e) includes at least one hundred (100) square feet of area for each dwelling unit; and (f) includes one or more of the following (i) indoor or outdoor recreation area, (ii) protection of sensitive lands (e.g., trees or bank vegetation preserved), (iii) play fields, (iv) outdoor playgrounds, (v) outdoor sports courts, (vi) swimming pools, (vii) walking fitness courses, (viii) pedestrian amenities, or (ix) similar open space amenities for residents.” FCC 10-10-9-B-3. With multi-unit dwellings containing 24 units, 2,400 square feet of open space is required, and more is provided.

The off-street parking standards of Section 10-3 (discussed above) and the fence, wall, and buffering requirements of Section 10-34-5 (also discussed above) must be met. FCC 10-10-9-B.5 and .6. Finally, “the applicable design criteria of FCC 10-6-6-4 and 10-6-6-5 must be met, except 10-6-6-4.G, 10-6-6-5.F.2. and 10-6-6-5.G.3, and vinyl siding is not permitted. FCC 10-10-9-B.4.

Section 10-6-6-4 (excluding G) specifies permissible building materials for exterior building walls, roofs, awnings, gutters, visible roofing components, chimney enclosures, windows, entrances and accessories, trellises, decks, stairs, stoops, porches, balconies, and landscape/retaining walls and fences.

The main feature of exterior walls will be horizontal lap siding with no more than a six-inch exposure to the elements. The lap siding on the third story may be a four-inch exposure to the elements, board and batten, or shingles. Corner trim and window trim will be provided, including a belly band between the second and third floors. Vertical breaks at wall articulations will be shingles or board and batten siding. All this will be Hardie material. All roofs will be asphalt shingles, except roofs over the trash enclosures and mailboxes, which will be metal. Gutters and downspouts will be metal with vinyl coating. Windows will be vinyl. The front porches will be concrete. Balconies will be supported by 6” x 6” pressure-treated wood, and the balcony surface will be made of aluminum with built-in drainage channels to the front of the balcony. Railings on balconies will be powder-coated metal. Perimeter fencing will be split face masonry block, wood, or slatted chain link.

Section 10-6-6-5 (excluding F.2. and G.3) requires certain types of applications and configurations of materials to building walls, roofs, awnings, gutters, roofing accessories, towers, visible windows, glazing, entrances, visible decks and balconies, and visible landscape/retaining walls and fences.

Our single, clearly dominant exterior wall material will be Hardie lap siding with six inches of exposure to the elements and a painted surface. Colors will vary along complementary shades, with changes occurring at wall articulations. The secondary element creating periodic vertical lines

will be board and batten or shingles. Roofs will have a minimum slope of 5:12. Shed roofs attaching to main building walls will have a minimum 3:1 slope. Overhangs will be 18". All windows will be rectangular. Some double-wide windows will be grouped in the same horizontal opening separated by 4" trim. In certain areas, the window trim will extend from the bottom of the first-story window to the top of the third-story window to provide variety along some building walls.

THE PUD ORDINANCE

The PUD ordinance is intended to (a) encourage "coordinated development"; (b) encourage "innovative land utilization through a flexible application of zoning regulations"; (c) preserve the "natural amenities of land and water"; (d) create opportunities for "a wide variety of lifestyles by creating a variety of dwelling types that help meet the needs of all income groups in the community"; (e) make "efficient use of public utilities, services, and facilities"; and (f) result in a "comprehensive development" that is "equal to or better than that resulting from traditional lot-by-lot land use development, in which the design of the overall unit permits increased freedom in the placement and uses of buildings and the location of open spaces, circulation facilities, off-street parking areas, and other facilities." FCC 10-23-1.

PUD STANDARDS

PUD Allowed Land Uses

Block 57 is not in the Low Density District. Accordingly, the Elm Park PUD can include the following land uses "when they are compatible with each other and blend harmoniously with adjacent uses:" (a) all "permitted uses in the designated zoning district including uses requiring design review"; (b) "triplexes, quadplexes, and multiple-family dwellings;" (c) "open space and parklands;" (d) "commercial uses." FCC 10-23-3-B. We have shown above that high-density affordable housing and childcare are permitted uses under POI regulations as modified by state law.

The Elm Park PUD meets the five general criteria of FCC 10-23-4:

- A. The Comprehensive Plan states that the W9 is for professional offices, institutional offices, and medium- and high-density residential areas. For the portion of W9 west of Kingwood Street, "Medium and high-density residential use" is envisioned. CP, II-18. Indeed, "Continued residential development in the northerly sections of [W9] should achieve relatively high densities" such as townhouses and garden apartments. CP, II-19. The Elm Park PUD is a high-density residential use, and the ELF serves children residing in its residential development and surrounding areas.
- B. The surrounding lands are mostly vacant or undeveloped. The permitted uses of the surrounding land are professional and institutional offices and medium- and high-density residential. The development will be well integrated with its surroundings. No departure will occur from the character of adjacent land uses.

- C. The location, design, size, and land uses are such that traffic generated by the development will be accommodated safely and without congestion on existing or planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets. The Elm Park PUD uses a platted alley for two-way ingress and egress from Greenwood Street and Fir Street, both local streets. It does not use 11th Street to the north (a local street); its only use of 10th Street to the south (a local street) is a one-way (south) 12' travel lane on the ELF Site for parents to drop off and pick up their children safely. Per NOIC comment, the TIS submitted as new Exhibit L to this revised PUDAA supports these conclusions.
- D. The location, design, size, and land uses are such that existing or planned utilities and services will adequately serve the residents or establishments to be accommodated. All utilities are on Greenwood Street adjacent to Block 57 on the east. The City of Florence is developing all the necessary utilities and services in and under 10th Street, 11th Street, and Fir Street. Per NOIC comment, Applicants include no public facilities in the Elm Park PUD, except for eliminating the median in Greenwood Street opposite the alley to allow northbound traffic to turn left to enter Elm Park PUD.
- E. The location, design, size, and uses will create an attractive, healthful, efficient, and stable environment. Block 57 is in a pristine area for new development, will take advantage of the adjacent Elm Park, and our design and execution will set an excellent example for follow-on developments.

PUD Development Standards

The Elm Park PUD meets the Development Standards of FCC 10-23-5:

- A. The minimum area for a PUD is two acres, but the POI District specifically reduces this minimum area to one acre. FCC 10-25-4-C.2. Our 1.47-acre Block 57 satisfies the one-acre minimum area requirement. Block 57 also satisfies the exception to the two-acre minimum “by virtue of its unique character . . . [and] by virtue of its qualifying as a special problem area.” Block 57 has a “unique character” as the first high-density residential development to occur in the West 9th Street Planning Area and one that hopefully will set an example for future development.
- B. The Planning Commission “may require a yard at least as deep as that required by the front yard regulations” of the POI District. However, it does not need to insist on that 20' front yard provision. See below under Policies Served and Modifications Requested our request for a modest relaxation of this standard.
- C. Off-street parking (vehicle and bicycle) and Loading “shall be in accordance with Chapter 3 of this Title” (FCC 10-25-4-G). Those parking standards are addressed above.

- D. All on-site utilities will be underground, as will the surrounding utilities that the City is constructing through its infrastructure project.
- E. PUDs must provide open space equal to at least 20% of the “net development area.” Open space can be “suitably improved for its intended use,” including “buildings, structures, and improvements” that are “appropriate to the uses, which are authorized for the open space.”

At least 25% of the 20% must include “an area designated and intended for recreation use and enjoyment,” which may be “passive and/or active recreational activities.” It may consist of an “indoor or outdoor recreation area, play fields or outdoor playgrounds, indoor or outdoor sports courts, swimming pools, walking or running fitness courses, pedestrian and bicycle amenities meeting park industry durability standards.”

Up to 50% of “open space and recreation area requirements may be met with a fee-in-lieu if the proposed PUD is within one quarter (1/4) mile of underdeveloped parkland as measured on public rights-of-way with reasonable pedestrian and bicycle connections to the parkland.” The fee is a combination of the assessor land value of the open space being provided by “fee-in-lieu” and “an additional fee for improvements planned for the underdeveloped parkland as identified in the Florence Parks and Recreation Master Plan or in a City Council approved community park plan for that park.” Per NOIC comment, Elm Park is less than 100’ from the EPA site, being just across Fir Street from Buildings A and B.

The City’s Elm Park, a 3.55-acre undeveloped park, is directly across Fir Street from the EPA and within 100’ of the EPA. The Parks and Recreation Master Plan (2011) (the “Parks Plan”) describes Elm Park in a table and on a map as an “undeveloped” 3.55-acre “Neighborhood” park. Parks Plan, Ch. 3, pp. 2-3. The Parks Plan states:

“Elm Park is a 3.55-acre site situated on two city blocks between 10th and 11th and Elm and Driftwood Streets. More than half of the eastern portion of the site is steep, ranging in elevation between 26 and 86 feet, and consists of high brushy ridges, wetlands, and one stream. The western side has gentler slopes. Currently, there is no access nor any developed recreational amenities. This park, when developed, will serve both the 9th St. Planning area and the Florence community.” Parks Plan, Ch. 3, p. 5.

The Parks Plan described Elm Park in 2011 as a “low priority,” with the next steps including “park design, wetlands delineation, access, develop in accordance with design (develop as development occurs).” Parks Plan, Ch. 7, p. 7.

The Parks Plan does not describe the improvements planned for Elm Park, and we are unaware of any City Council resolution specifying those improvements.

The Elm Park PUD contains 63,990 square feet of land, so the required 20% open space is 12,798 square feet.

Our open space of 10,185 square feet is 15.9% of the net development area, which is 70% of the PUD open space requirement. The deficit in open space is 2,613 square feet. We propose to pay the “fee-in-lieu” as to that land deficit.

The required recreation space is 3,200 square feet at 25% of our 12,798 open space. Our recreational space of 7,085 is 221.4% of the required recreation space.

The spaces identified as open space and recreational are marked and quantified on **Exhibit K**.

The Lane County Assessment roll shows that the Elm Park PUD land has a 2023 real market value of \$124,657, or \$1.95 per square foot. The deficit square feet of 2,613 multiplied by \$1.95 is a land fee of \$5,095.

In planning EPA, we have deleted two of our preferred open space recreational amenities: (i) a picnic shelter with picnic tables, barbeques, and bench seating and (ii) a basketball half-court. The improvement cost of those two amenities at Oak Manor Apartments was approximately \$40,000. We hope those amenities will be included in Elm Street Park, and if so, we are willing to contribute a combined land and improvements fee-in-lieu of \$45,095 for these amenities at Elm Park.

Per NOIC comment, once EPA has residents and ELF has users, we will facilitate engagement with the City concerning Elm Park's passive and active recreational elements.

- F. A proposed PUD must “incorporate measures to preserve, enhance or protect significant natural resources or unique landforms where identified as part of a Phase 1 site investigation report.” Per NOIC comment, Elm Park PUD contains 112.5 square feet of the RAIR-B significant riparian area. The Infrastructure Plan the City will construct will create a barrier protecting the RAIR-B from any impacts from the EPA.
- G. A proposed PUD must incorporate “a mix of dwelling unit types and densities consistent with the base zone as well as a mix of residential, commercial, and recreation areas.” Elm Park PUD incorporates one-, two-, and three-bedroom units and also incorporates the ELF commercial use. Lot 1’s coverage ratio is 40.5% compared with only 28.5% for Lot 2. A complementary color palette with color changes occurring at wall articulations (and submitted as an Exhibit to the DRAA) will create the appearance of different dwelling unit types.
- H. A Proposed PUD must “meet the development standards for the underlying zone, including but not limited to height, density, coverage, setbacks, lot area.” However, modifications can be proposed “without the need for a separate variance or adjustment application subject to FCC 10-5.”

As shown above, Elm Park PUD meets the POI standards for height and density. Neither POI nor FCC 10-10-9 has a building coverage standard. However, we are under the former PUD building coverage limit of 50%. We have noted above that modifications are requested for setbacks, significant riparian area buffer, building separation, buffering, and wall height.

Where modifications are proposed, the applicant must show how the changes requested “achieve[] the following:

1. High-quality building design using of [sic] Old Town and Mainstreet Architectural Standards or higher standards.
2. Incorporation of unique landforms into the final PUD design.
3. More recreation space than the minimum required.
4. On-site amenities reflect the value of both active and passive recreational facilities.
5. Natural resource protection was identified as part of a preliminary site investigation report.
6. A mix of dwelling unit types and densities.
7. A mix of residential, commercial, and recreational uses, where zoning permits.”

POLICIES SERVED AND MODIFICATIONS REQUESTED

The Elm Park PUD will advance two critical policies of the State of Oregon and the City of Florence.

First, Governor Kotek has prioritized fixing Oregon’s huge housing deficit, especially in affordable housing. The Legislature has responded by making hundreds of millions of dollars available to develop and construct new affordable rental housing. In its 2024 plan, OHCS will vet and fund affordable housing projects costing \$350 million. Housing remains a great need in Florence, as well. Even after 92 new affordable rental apartments opened in Florence in late 2023 and early 2024, the demand remains substantial.¹ By delivering 32 new affordable rental apartments in the EPA, the Elm Park PUD will help meet the City’s needs and advance critical state and local housing policies. The units are set aside for families earning at or under 60% of AMI.

Second, Florence is a childcare desert. Florence's only Head Start program serves 18-20 three- to five-year-olds and eight 18-month to three-year-olds. It has a waiting list that is longer than the numbers currently served.² Family income must be at or under 100% of the federal poverty line to be eligible for Head Start. The ELF will add an early learning facility with two classrooms

¹ A market study by Colliers International Valuation dated June 2024 has confirmed the demand for the 32 units of affordable rental housing.

² Our Childcare Sector Strategist has confirmed ample demand for the four-classroom ELF.

operated by Head Start of Lane County and two classrooms subleased to community providers of programs for children not eligible for Head Start. The four classrooms can accommodate up to 80 children at a time. All four classrooms can be used for after-school programs operated by community providers.

The Legislature has recognized the shortage of affordable childcare, especially in rural communities. Two years ago, it created a \$10 million pilot program to fund childcare construction, known as Build Up Oregon, which started accepting developer interest forms in April and will move to applications in October. We will seek a \$750,000 grant and a \$750,000 loan from Build Up Oregon. The Legislature also recently appropriated \$50 million, as the Childcare Infrastructure Fund (“CCIF”). We have requested a \$2 million CCIF grant. HSOLC is also applying for a \$2 million HHS grant for facility construction.

The Elm Park PUD requests five (5) minor modifications to the POI standards and those incorporated thereby to make it as efficient as possible. The proposed changes are best understood by reference to the dimensioned site plans found in **Exhibits E-1(1)** and **E-2** submitted herewith. The changes requested are:

- A. Reduce front and street side yards from 20’ to 10’. This adds about 9,000 square feet for dwelling units. The remaining setback is twice the 5’ front, side, and rear yard setbacks allowed in the High Density Residential District. FCC 10-10-4-D. In several areas in both the EPA and the ELF, the yards are more than 10’. To accommodate the drainage channel and rain gardens in the EPA Site’s northwest corner, that north side yard is 19’ 9” from the north property lines and 12’ from the west property line.
- B. If the Planning Commission concludes that Buildings A and C are “multi-unit dwellings” and are not “end-to-end” with Building B, we request that the 30’ separation requirement be reduced to 19’7”. This is nearly twice the 10’ minimum for end-to-end and nearly 2/3 of the 30’ minimum for face-to-face. The 19’7” separation seems adequate, partly because it is measured from the front of one building’s porch to the wall of the other building, so the separation is 24’ 7” in areas between porches.
- C. Restrict walls to 4’ in the yard areas described above and allow 6-8’ walls in the remainder of the yards. **Exhibit E-1(1)** shows where optional walls of each height are proposed.
- D. Approve buffering and screening between the ELF and apartment Building E consisting of the 12-foot one-way drive lane, the western 5-foot sidewalk, and the 6’ wood fence just west of the sidewalk shown on **Exhibit E-1(1)**. We also request approval of an option to substitute a 6’ Escallonia hedge in lieu of the wood fence without further authorization.
- E. Approve the location of Buildings A and B as set forth on **Exhibit E-1(1)** submitted herewith as a modification of the 65’ riparian buffer based upon the exempt public-facilities Infrastructure Project creating a barrier that prevents the EPA from adversely impacting the RAIR-B significant riparian area.

Modification Standards

Elm Park PUD satisfies the applicable requirements for approval of requested modifications.

First, it achieves “high-quality building design using of [sic] Old Town and Mainstreet Architectural Standards or higher standards.” FCC 10-23-5-H-1. We have shown earlier that the applicable standards of 10-6-6-4 and 10-6-6-5 are satisfied. Section 10-6-6-6 (including the 10’ ceiling requirement of Section 10-6-6-6-B) does not apply to the ELF building.

Section 10-6-6-6 carries the heading “**STOREFRONTS.**” It “applies specifically to pedestrian-oriented storefront-type buildings.” Section 10-6-6-1 identifies four building types that “currently exist” within the covered districts. “Commercial Storefront Type” is one. FCC10-6-6-1-B. “Community Building Type” is another. FCC10-6-6-1-D. The Code does not define either “Commercial Storefront Type” or “Community Building Type.” But the “Florence Downtown Architectural Guidelines” (the Guidelines), on which section 10-6-6 is based, define both.

The Guidelines provide that a Storefront Type building has a “parapet cornice on a symmetrical gable or flat roof” and is part of “attached buildings forming a continuous street wall” with a “small front setback from the street right of way, a porch may encroach in setback” with a “ground floor retail or office” and upper story “residential or office.”

Under the Guidelines, Community Type Buildings, on the other hand, “stand out from the surrounding private buildings where people live, work, and shop” and include “schools, daycare centers, senior centers, places of worship, libraries, government buildings, events centers, etc.” They are “detached buildings” that are usually “set back further” than Storefront type buildings. FCC 10-2-14 confirms that “daycare” falls in the “institutional and civic” land use category

The ELF building is a Community Building Type, not a Storefront Type, so Section 10-6-6-6 does not apply.

Second, Elm Park PUD does not have “unique landforms” that could be “incorporated into the final PUD design.”

Third, Elm Park PUD incorporates “more recreation space than the minimum required. Recreation space is required to constitute only 25% of the total common area open space. As noted earlier, our total open space requirement is 12,798 square feet. Our recreation space of 7,085 square feet is 55% of the required common area open space of 12,798 square feet, far more than the required 25%.

Fourth, Elm Park PUD includes “on-site amenities reflecting value for both active and passive recreational facilities.” Active recreational facilities include the playground for small children, the grass area, and the gardening area for adults. The community room and the art area are passive recreational facilities.

Fifth, Elm Park PUD has 122.5 square feet of significant riparian area to protect. The City's Infrastructure Project will protect the RAIR-B significant riparian area from adverse impacts from EPA.

Sixth, Elm Park PUD includes "a mix of dwelling unit types and densities." Lot 1 includes one 3-story building and two 2-story buildings containing 20 units, as well as the single-story community room, office, maintenance, and bicycle storage, and has a 40.3% coverage. Lot 2 includes only two 3-story buildings with 12 units, a large grass area, garden, and landscaping, and has a coverage of only 23.2%. We will be employing a coordinated color palette that changes color at each apartment building wall articulation (as shown in the DRAA), giving the appearance of a mix of dwelling unit types.

Seventh, Elm Park PUD includes a "mix of residential, commercial, and recreational uses" with its apartments, ELF building, and active and passive recreational amenities.

PUD Conclusion

The Elm Park PUD will deliver the EPA and the ELF that are "equal to or better than" the development possible under traditional lot-by-lot land use development in the POI District. The PUD does not propose uses that are not otherwise permitted in POI. Smaller yards, a less-than-minimum size lot for the ELF, eliminating recreational space that would duplicate the facilities available across Fir Street in Elm Street Park, buffering between the ELF building and the EPA, and wall heights of 4' and 6' to 8' in designated locations, provide increased design freedom. Thirty-two families will have affordable homes in EPA that would not exist otherwise, adjacent to an early learning facility for which their children enjoy a preference and to the City's Elm Park.

REPLATTING SUBDIVIDED LANDS

Block 57 is part of a previously platted subdivision. Under the Code, "replat" is defined as "Platting lots, parcels, and easements in a recorded subdivision or partition plat to achieve a reconfiguration of lots or parcels in a recorded partition or subdivision plat or to increase or decrease the number of lots in a subdivision." FCC 11-1-3 (Replat).

Replatting within an existing subdivision "shall follow" two procedures.

First, "The applicant shall apply to the City for the vacation of existing rights of way as applicable unless proposed streets and/or common open space of equal area is dedicated to the City as public easements." FCC 11-1-5-A. We plan to leave the alley as is, so this procedure is not applicable.

Second, "The applicant shall apply to the City for partition or subdivision approval as applicable according to the provisions of this title." FCC 11-1-5-B. As a logical matter, a PUD should also be able to achieve a replat, but a PUD is not listed as a method to accomplish a replat. We seek to reconfigure the existing 20 lots of Block 57 into three lots (two for the EPA and one for the ELF), so the "applicable" procedure is a partition, which applies when less than four lots result. FCC 11-1-3 (Partition).

For this reason, we also seek a replat under FCC 11-1-5-B through a partition under FCC Chapter 11-2. Our PUD “tentative plan” (FCC 10-23-10) also meets the requirements for the “tentative plan” under FCC 11-2-2. A PUD can relax the minimum yards and other standards by a “flexible application of zoning regulations” (FCC 10-23-1-B) that departs from “traditional lot-by-lot land use development.” (FCC 10-23-1-F). By its terms, the PUD ordinance allows modifications to the development standards of the base zone. When those standards are so modified, they satisfy the requirement that “All proposed parcels comply with the development standards of the base zone [as modified in the PUD.]” FCC 11-2-4-B.

As allowed by FCC 10-2-13, the partition decision should reflect that the front lot line of (i) Lot 1 is parallel to Greenwood Street, (ii) Lot 2 is parallel to Fir Street, and (iii) Lot 3 is parallel to Greenwood Street.

We request approval of the Block 57 replat.

CONCLUSION

Applicants respectfully request that the Planning Commission approve the preliminary plan for Elm Park PUD and the replat of Block 57 of the Central Park Addition to Florence.

List of Exhibits
For
NOIC Revised Combined Attachment to Preliminary Plan and Replat Applications

Elm Park PUD
No. PC 24 27 PUD 01

<u>Exhibit</u>	<u>Description</u>
A-1	Parcel Map with Existing Twenty Lots
A-2	Parcel Map with Proposed Replat of Three Lots
B	Title Reports on EPA Lots and ELF Lot
C(1)	ALTA Survey on EPA Lots and ELF Lot (Revised)
D	Map of North 9 th Street Infrastructure Project
E-1(1)	EPA Dimensioned Site Plan (Revised)
E-2	ELF Dimensioned Site Plan
F	EPA Preliminary Architectural Drawings
G	ELF Preliminary Architectural Drawings
H(1)	Landscape Plan (Revised)
I	Clemow Parking Demand Study
J	Parking Demand Calculations Using Clemow Methodology
K	Open Space and Recreational Space
L	Traffic Impact Study (New)
M	Department of Environmental Quality Land Use Compatibility Statement (New)
N-1	Preliminary Engineering Plans for EPA (New)
N-2	Preliminary Engineering Plans for ELF (New)