

NORTON LANDING APARTMENTS

SE Norton Lane at SE Stratus Avenue

Administrative Variance and Planning Commission Authority Variance Application Narrative

August 20, 2023

Project Description:

The proposed project consists of the development of 138 apartment dwelling units located in seven three-story buildings on a 4.93 acre vacant site. The proposed development includes related site improvements and 3/4 public street improvements of SE Norton Lane along the subject site frontage.

The subject site has limited access to SE Norton Lane and has no other public frontage or access. The subject site has access to public utilities. There is an existing shallow 8" public sanitary sewer located in SE Norton Lane. There is an existing public water line located in SE Norton Lane. There is an existing 15-foot private storm drainage easement along the westerly property line. There is also a 10-foot public utility easement along the SE Norton Lane frontage.

The subject site lies within the Three Mile Lane Planned Development Overlay and the Three Mile Lane Area Plan. The subject site is subject to Planned Development Amendment Approval, Three Mile Lane Deign Review, and the conditions of Approval of the prior Ordinances affecting the subject Site, Including Ordinance 4709 and Ordinance 5072.

ASSESSOR MAP/TAX LOT

Section 27, T.4S, R4W, WM, Tax Lot 701

ZONING:

C-3 PD: General Commercial, Planned Development (Three Mile Lane PD Overlay)
Ordinance 4709
Ordinance 5072 (PDA 6-18)

Adjacent Property Zoning:

NORTH: C-3 PD: General Commercial

EAST: M-L: Limited Light Industrial

SOUTH: Outside Urban Growth Boundary, Yamhill County

WEST: R-4 Medium, High Density Residential

DEVELOPMENT APPLICATION APPROVALS REQUESTED:

The following land-use applications are concurrently being submitted for approval on the subject site:

Planned Development Amendment to Ordinance 4709 and Ordinance 5072
Three Mile Lane Design Review
Landscape Plan Review
Administrative Variances

EXISTING CONDITIONS

The Subject Site is currently undeveloped and used for farming. The site is generally flat, with a minor slope to the southwest. There are no significant or distinguishing natural features associated with this property.

Access to the property is from Highway 18 via the intersection with Norton Lane. There is a signalized intersection of Norton Lane (SE & NE) with Highway 18. Immediately south of the highway, there is a three-way stop intersection of SE Norton Lane and SE Stratus Avenue. Stratus Avenue loops around the Medical Center and intersects back with SE Norton Lane across from the subject site.

ACCESS and UTILITIES

The property fronts on west side of SE Norton Lane, just south of the Altimus Plaza medical offices. The existing right-of-way for SE Norton Lane is 60 feet down to and through the Stratus Avenue Loop intersection, south of the Medical Center. The existing improvements extend through this intersection. The street is currently improved with curb and gutter and 28-foot paved section.

SE Norton Lane is improved to City standard south to the intersection with the Stratus Avenue loop. The street improvements extend approximately 180 feet along the frontage of the Subject Site. There is an additional 280 feet of site frontage that is currently not improved.

There are existing urban services and utilities within SE Norton Lane. These facilities are all available and were adequately sized to serve development of the subject site, consistent with the allowed commercial uses identified within Ordinance 4709.

SURROUNDING USES

North - The property immediately north of the subject property is the Altimus Plaza Medical Offices. Further to the north at the Stratus Avenue intersection are the Comfort Inn & Suites and the Diner restaurant. The land west of the motel is vacant land, however there is a current application for development of multifamily residential.

East - The property immediately east of the subject property is developed with medical offices, specifically Willamette Valley Medical Center, including a Heliport. To the south of the medical center is vacant farm land, outside of the city limits and UGB. The Evergreen Aviation Museum, north of Hwy 18, and Municipal Airport, south of Hwy 18, are located just over a mile to the east.

South - The property immediately south of the subject property is vacant farm land, outside of the city limits and UGB.

West - The property immediately west of the subject property is the Evergreen Estates Mobile Home Park, which is zoned R-4.

McMinnville Zoning Code, Title 17: Compliance to Applicable Chapters

The following narrative addresses the Review Criteria for the requested Administrative Variances and Planning Commission Authority Variances. Additional detailed proposed development and project information is included in the other related applications for this proposed development.

CHAPTER 17.74 REVIEW CRITERIA

17.74.090 Administrative Variance-Review Criteria.

The Planning Director may grant limited adjustments to the terms of this title as follows:

- A. Lot area: Maximum possible adjustment of one percent of the minimum lot area, but not more than 90 (ninety) square feet;
- B. Setbacks: Maximum adjustment of 10 (ten) percent of the required setback.
- C. These provisions shall be used sparingly and shall not be exceeded except by regular referral to the Planning Commission.
- D. Special conditions may be attached to adjustments if such conditions relate directly to the adjustments.

Applicant Response:

The applicant is seeking approval of the following Administrative Variances:

1. 17.11.090, D (4), d (7): *Landscape Islands shall be separated no more than 60 feet from another.*

Proposed:

The Site Plan proposes a maximum distance of 63 feet between parking area landscape islands. This is an increase of 3 feet which is less than 10% of the required dimension. Standard parking stalls are 9 feet wide and the 60 foot limitation does not coincide with standard parking stall dimensions affecting an efficient parking layout and the best use of the site area to achieve the densities identified by the zoning codes. The requested increase of 5% has no adverse impacts upon the site or the amount of landscaping proposed on the Landscape Plan.

2. 17.11.090, D (4) f (3): *Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.*

Proposed:

The parking areas on the proposed Site Plan are located at a distance of 6-feet from the North and South (side) property lines. This is less than the 10 feet required from the adjacent side property lines. This is compatible with existing adjacent development that also has parking located 6 feet from the adjacent property lines.

Applicant Response:

The requested adjustment to the landscape island spacing in parking areas is affected by the recently adopted Chapter 17.11 Residential Design Standards. Previously development in the vicinity of the subject site was

not developed under these requirements. As noted above, the 60-foot spacing identified in the newly adopted standard does not take into account the standard or compact parking stall spacing. The net result is inefficient utilization of the available site area for parking thus affecting the overall net achievable density.

The requested adjustment for proposed parking areas to be located less than 10 feet from the adjacent property lines is compatible with the existing adjacent developments as they have parking located at 6 feet from the adjacent property lines. As the subject site has a designated C-3 General Commercial zoning designation, the parking setback is not required. As a multiple family apartment use, the Residential Design Standards of 17.11 are required. Previous adjacent built developments have not been required to meet this standard. The proposed variance is fully compatible with the adjacent developments.

3. 17.61.130 (D): Where a commercial or industrial zone abuts a residential zone, enclosures must be placed a minimum of thirty-feet (30) from any residential structure or as otherwise approved by the Planning Director

Proposed:

The property West of the subject site is zoned R-4 Medium-High Density Residential. The proposed trash enclosure at the rear of the site adjacent the North property line is 28'-4" East of this Westerly property line. The rear yard of the existing mobile home is more than 15 feet west of this property line therefore the proposed trash enclosure location is more than 30 feet from the adjacent residential structure.

Additional landscaping and screening is proposed adjacent this enclosure. There is also a six-foot sight obscuring fence with landscape buffering and screening proposed along westerly property line.

17.74.100 Variance-Planning Commission Authority.

The Planning Commission may authorize variances from the requirements of this title where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this title would cause an undue or unnecessary hardship, except that no variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this title.

Applicant Response:

The applicant is seeking approval of the following Variance through the Planning Commission Authority:

1. Planned Development Overlay Ordinance 4709, Condition 11:
This Condition of Approval limits the Building height to 35' to the highest point of the roof. The applicant is seeking a Variance to increase the roof height to 37'-0" to the highest ridge line. The proposed building design with sloped and hip roof forms, maintains a low-profile roof line and the requested additional height to 37'-0" will not have any adverse impacts on the existing development in the surrounding area.

17.74.110 Conditions for Granting Variance.

A variance may be granted only in the event that the following circumstances substantially exist:

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape legally existing prior to the date of the ordinance codified in this title, topography, or other circumstance over which the applicant has no control;

Applicant Response:

The allowable building height within the underlying C-3 General Commercial Zone is 80 feet. As this is a residential development, the requirements of the R-4 Medium-High Density Zone govern which allows a building height of 68 feet. The existing adjacent development includes numerous buildings that exceed the 35' height limitation. These include the Willamette Valley Medical Center Hospital and the Comfort Inn Motel which is also three-stories and exceeds 35' in building height.

Other properties within the City of McMinnville with the same zoning do not have this height restriction and would allow for a greater density of needed housing to be developed.

- B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess;

Applicant Response:

The imposed height restriction limits the density and number of units that can be built on this site. The proposed development needs to achieve three story building heights to be financially feasible. Other adjacent developed properties have buildings exceeding the 35' height limitation and the proposed height preserves a comparable development opportunity already provided to the adjacent developments.

- C. The variance would not be materially detrimental to the purposes of this title, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy;

Applicant Response:

The proposed sloped roof forms have an eave height of 26'-9" with a ridge height just under 37 feet. With the sloped roofs and hip roof design, the impacts of the requested 37' height is not noticeable and results in less impact than a building with a vertical roof parapet wall at 35 feet. The proposed roof eave line provides a much lower perceived overall building height. Additionally, the adjacent properties in the vicinity of the subject site have roof heights far greater than 35 feet. The proposed height adjustment is fully compatible with the adjacent developed properties.

- D. The variance requested is the minimum variance which would alleviate the hardship.

Applicant Response:

The proposed three-story building design uses 8' high ceilings within the living units, which is considered minimum for market rate apartment units. Given the floor structure and the required heel trusses due to the new energy code requirements, the requested

height of 37 feet is the minimum height to accommodate the three-story units. As previously addressed, the project is not feasible if three story building cannot be utilized.