ORDINANCE NO. 5122

AN ORDINANCE AMENDING PLANNED DEVELOPMENT ORDINANCE NO. 4688 APPROVING AN APPLICATION FOR A PLANNED DEVELOPMENT AMENDMENT, AND APPROVING APPLICATIONS FOR A LARGE FORMAT COMMERCIAL REVIEW WITH WAIVERS, A LANDSCAPE PLAN REVIEW, AND A PARTITION, FOR PROPERTY OF APPROXIMATELY 1.8 ACRES LOCATED AT THE SOUTHWEST CORNER OF BOOTH BEND ROAD AND HIGHWAY 99 (TAX LOT R4429CA 00300).

RECITALS:

WHEREAS, the Planning Department received applications PDA 3-22, LFW 1-22, L 6-22, AND MP 1-22 from applicant InSite Real Estate Investment Properties LLC c/o Andrew Johnson on behalf of property owner Richard D. Rice requesting approval of applications for a Planned Development Amendment, Large Format Commercial Review with Waivers, Landscape Plan Review, and Partition; and

WHEREAS, the subject property is approximately 1.8 acres, located at the southwest corner of Booth Bend Rad and Highway 99 (Tax Lot R4429CA 00300); and

WHEREAS, a duly noticed public hearing before the McMinnville Planning Commission was held on July 21, 2022 after due notice had been provided in the local newspaper on July 15, 2022 and written notice had been mailed to property owners within 300 feet of the affected property; and

WHEREAS, at said public hearing, the application materials and a staff report were presented, and applicant and public testimony was received.

WHEREAS, the Planning Commission, being fully informed about said request, found that, with conditions, the requested applications conformed to the applicable Comprehensive Plan goals and policies and review criteria based on the material submitted by the applicant and the findings of fact and conclusionary findings for approval contained in Exhibit A; and

WHEREAS, the Planning Commission, by a vote of 6-0, recommended approval of said applications with conditions; and

WHEREAS, the City Council having received the Planning Commission recommendation and staff report, and having deliberated;

NOW, THEREFORE, THE COMMON COUNCIL FOR THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:

1. That the Council adopts the Decision, Conditions, Findings of Fact and Conclusionary Findings as documented in Exhibit A, approving PDA 3-22, LFW 1-22, L 6-22, and MP 1-22; and

- 2. That Ordinance No. 4866 is hereby amended to revise the approved development plan for the Planned Development consistent with the revised development plan submitted by the applicant for application PDA 3-22 and reflected in the decision document attached as Exhibit A, subject to revisions necessary to comply with the conditions of approval in the decision document.
- 3. A revised development plan reflecting the revisions necessary to comply with the conditions of approval for PDA 3-22 shall be placed on file with the Planning Department and become a part of this planned development zone and binding on the developer. The developer will be responsible for requesting approval of the Planning Commission for any major change in the details of the adopted site plan. Minor changes to the details of the adopted plan may be approved by the Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Planning Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.
- 4. That this Ordinance shall take effect 30 days after its passage by the City Council.

Passed by the McMinnville City Council this 23rd day of August 2022, by the following votes:

Geary, Garvin, Menke, Peral Ayes:	Ita, Chenoweth, Payne 	
Nays:		
Ali-		
MAYOR		
Approved as to form: City Attorney	Attest: Cluslia City Recorder	Cioneros

EXHIBITS:

A. Decision Document for Dockets PDA 3-22, LFW 1-22, L 6-22, MP 1-22

ATTACHMENT A TO ORDINANCE 5122



CITY OF MCMINNVILLE PLANNING DEPARTMENT 231 NE FIFTH STREET MCMINNVILLE, OR 97128

503-434-7311 www.mcminnvilleoregon.gov

DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A PLANNED DEVELOPMENT AMENDMENT, LARGE FORMAT COMMERCIAL REVIEW WITH WAIVERS, LANDSCAPE PLAN, AND PARTITION FOR PROPERTY AT THE SW CORNER OF BOOTH BEND ROAD AND HIGHWAY 99, (TAX LOT R4429CA 00300)

DOCKET:

PDA 3-22, LFW 1-22, L 6-22, MP 1-22

REQUEST:

Applications for a Planned Development Amendment (PDA 3-22), Large Format Commercial Review with Waivers (LFW 1-22), Landscape Plan Review (L 6-22), and Partition (MP 1-22).

The applications are submitted as part of a proposal to develop a new Burger King restaurant with a drive-through on the subject property.

PDA 3-22. The subject property is within an existing Planned Development Overlay District that also includes other surrounding commercial property. The proposal includes revisions to the master plan which was approved as part of the Planned Development, which requires approval of a Planned Development Amendment. Most of the other properties within the overlay have since been developed.

LFW 1-22. The property has certain shared site features, including access, with a large format commercial building (Lowe's), which therefore also requires review and compliance with the large format commercial standards for this proposal. The applicant's proposal includes a request for waivers to certain standards.

L 6-22. The proposal includes a landscape plan, which is required for commercial development.

MP 1-22. The proposal would partition the subject 1.8-acre parcel into two parcels, with the northerly 0.94-acre parcel being the site of the proposed Burger King restaurant, and the southerly 0.86-acre parcel being a vacant parcel, which would also include an access point and easement to the northerly parcel.

LOCATION:

Address: SW Corner of Booth Bend Road and Highway 99

Map & Tax Lot: r4429CA 00300

ZONING:

C-3 PD

APPLICANT:

InSite Real Estate Investment Properties LLC, c/o Andrew Johnson

(Property Owner Richard D. Rice)

STAFF:

Tom Schauer, Senior Planner

DATE DEEMED

COMPLETE:

June 29, 2022

HEARINGS

BODY & ACTION:

The McMinnville Planning Commission makes a recommendation to City Council, and the City Council makes the final decision. However, if the decision of the Planning Commission is denial, then that becomes the final decision, unless the Planning Commission's decision is appealed to City Council.

PLANNING COMMISSION

HEARING DATE

& LOCATION:

July 21, 2022 at 6:30 P.M. nThis will be a hybrid meeting with the opportunity to join an in-person meeting at Civic Hall or virtually on a zoom meeting.

Meeting Location:

McMinnville Civic Hall, 200 NE 2nd Street, McMinnville, OR 97128

Zoom Online Meeting:

https://mcminnvilleoregon.zoom.us/j/86430461362?pwd=c0tJZzN6eFBXTkpFNGh5a2p6ck5UZz09

Meeting ID: 864 3046 1362, Passcode: 904774

The public may also join the Zoom meeting by phone by using the phone number and meeting ID: **Phone:** +1 253 215 8782, **Meeting ID:** 864 3046 1362

DECISION-MAKING

BODY:

The McMinnville City Council makes the final decision, unless the Planning Commission recommendation/decision is denial, in which case that is the final decision unless the Planning Commission decision is appealed to City Council.

DECISION DATE & LOCATION:

August 23, 2022, Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

PROCEDURE:

For a consolidated application, the application is processed in accordance with the procedures in Section 17.72.120 of the Zoning Ordinance. The applications are reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the Zoning Ordinance. The Planning Commission makes a recommendation to City Council and the City Council makes the final decision. However, if the recommendation/decision of the Planning Commission is denial, that is the final decision unless appealed to City Council.

CRITERIA:

The applicable criteria are provided in the following sections of the Zoning Ordinance:

- Planned Development Amendment: Section 17.74.070
- Large Format Commercial Review and Waivers: Sections 17.56.050, 17.56.040(D)

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- Landscape Plan: Section 17.57.070
- Partition: Sections 17.53.060, 17.53.100-153

Applicable Goals and Policies of the Comprehensive Plan are also criteria for land use decisions.

APPEAL:

If the Planning Commission's decision is denial, then the Planning Commission's decision may be appealed to the City Council within 15 calendar days of the date the written notice of decision is mailed as specified in Section 17.72.180 of the Zoning Ordinance, Otherwise, the Planning Commission makes a recommendation to City Council, and the City Council's decision is appealable to LUBA as specified in Section 17.72.190. The City's final decision is subject to the 120-day processing timeline, including resolution of any local appeal.

COMMENTS:

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; and Northwest Natural Gas. Their comments are provided in Section IV this document.

DECISION

Based on the findings and conclusionary findings, the McMinnville City Council finds the applicable criteria are satisfied with conditions and **RECOMMENDS APPROVAL** of the Planned Development Amendment (PDA 3-22), Large Format Commercial Review with Waivers (LFW 1-22), Landscape Plan (L6-22), and Partition (MP 1-22), subject to the conditions of approval provided in Section II of this document.

- PDA 3-22 DECISION: APPROVAL WITH CONDITIONS
- LFW 1-22 DECISION: APPROVAL WITH CONDITIONS
- L 6-22 DECISION: APPROVAL WITH CONDITIONS
- MP 1-22 DECISION: APPROVAL WITH CONDITIONS

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City Council:	. 1	Date:	
Remy Drabkin, Interim Mayor of McMinnville			
Planning Commission: Sidonie Winfield, Chair of the McMinnville Planning Comm	ission	Date: <u>C</u>	8/25/22
Planning Department: Heather Richards, Planning Director	5.° . °	Date:	8/4/24

I. APPLICATION SUMMARY:

Subject Property & Request

The subject property is located at the southwest corner of Booth Bend Road and Highway 99. See Figure 1 for Vicinity Map & Aerial Photo and Figure 2 for Zoning Map.

Four applications were submitted as part of this proposal, which are reviewed through a consolidated review process. The applications are: Planned Development Amendment (PDA 3-22), Large Format Commercial Review with Waivers (LFW 1-22), Landscape Plan Review (L 6-22), and Partition (MP 1-22).

The applications are submitted as part of a proposal to develop a new Burger King restaurant with a drive-through on the subject property.

The property is zoned C-3 PD, subject to the approved master plan for the Planned Development (PD) overlay approved as part of Zone Change ZC 15-98, Ordinance 4688, adopted January 26, 1999. **See Attachment 2.** The approved PD Master Plan is shown in **Figure 3.** Most of the property has since been divided and built-out, including Lowe's, Roby's Furniture, Hometown Dental, and the restaurant buildings on the north side of Booth Bend Road: Carl's Junior and Subway/Former Taco Del Mar). That development has occurred substantially as shown on the master plan with some differences in access locations and pad configurations.

The remaining area within the PD overlay that isn't built-out includes the subject property and the easterly portion of the Hometown Dental property south of this property. Frontage improvements have been constructed along the frontage of the subject property, including curb-tight sidewalk along Booth Bend Road and along the shared driveway. Sidewalks with a planter strip have been installed along Highway 99, but street trees haven't been planted.

Planned Development Amendment (PDA 3-22)

The applicant's requested amendments to the Planned Development are to the approved master plan, and no changes are proposed to the development provisions/conditions specified in ordinance 4688. The proposed amendments are to facilitate the applicant's site plan shown in *Figure 4. Note: The proposed site plan reflects some revisions to the preliminary site plan initially submitted by the applicant for a preapplication application, and a revision submitted following the application completeness review.* The preliminary plan submitted for preapplication didn't include the easterly driveway access to Booth Bend Road. The applicant revised the site plan upon resubmittal of application materials, and made revisions to sidewalk width and some other items such as easements following the initial completeness review.

The proposed changes to the Planned Development master plan are summarized as follows:

The original plan showed two pads C and D on a parcel that included the subject property. Part of that parcel indicated on the attached site plan was previously partitioned off with a building pad - Pad D (Hometown Dental).

This proposal would partition the balance of the remaining parcel into two additional parcels and amend the site plan to allocate the previously identified Pad C into two new pads allocated between the two new parcels. Parcel 1 would have a 1,937 sf fast food restaurant with drive-through configured as shown on the site plan, and Parel 2 would have a ~5,500 sf building pad. This is shown generically, and is proposed to include an additional shared access.

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With the current site plan, the applicant would retain the easterly driveway approach to Booth Bend Road at the approximate location shown in the original master plan, but the building pad location and configuration for the Burger King would no longer allow for a north-south access from that driveway to the parcels to the south. The Burger King property would also continue to have shared access via the westerly private driveway which is shared with Lowe's and Roby's furniture. With the current site plan, the access of the shared driveway for the Burger King Parcel 1 and proposed Parcel 2 has been moved further south onto Parcel 2 rather was shown on the original site plan, which helps avoid some traffic conflicts near the shared driveway intersection on Booth Bend Road and the northerly Lowe's access to that shared driveway.

Comments and conditions have been provided regarding the proposed easterly access. That access is proposed as a full left-in/left-out, right-in/right-out access. Due to the proximity to the signalized intersection and its location within an "IAMP" Interchange Area Management Plan, the applicant needs to provide queuing analysis, and the easterly driveway may be restricted to right-in/right-out access only.

The Planned Development Amendment would also authorize a total of five parcels south of Booth Bend Road to have access via an existing private shared access easement. All five parcels have public street frontage: Two parcels also have, or would have, direct access to Booth Bend Road: Lowe's has direct access to Booth Bend Road and access via this shared driveway, and proposal for Burger King would have direct access to Booth Bend Road and access via this shared driveway. Roby's Furniture and Hometown Dental rely on the shared driveway for access, and Parcel 2 of the proposed partition would also rely on the shared driveway for access. Hometown Dental was previously divided onto an additional separate parcel from what was shown on the PD master plan.

Large Format Commercial Review with Waivers (LFW 1-22)

Chapter 17.56 of the Zoning Ordinance has design and development standards that apply to large format commercial structures over 25,000 square feet, additions that result in a combined building footprint exceeding 25,000 square feet, and buildings less than 25,000 square feet that share facilities such as driveways, parking, and pedestrian walkways with developments which are subject to the Chapter.

The proposed development is a fast-food restaurant of just under 2,000 square feet. It is subject to these standards since the site shares facilities with Lowe's and Roby's, each over 25,000 square feet.

The original Planned Development Ordinance 4688 contained conditions related to architectural design, but the Large Format commercial standards were subsequently adopted as Chapter 17.56 of the Zoning Ordinance in 2008. These standards provide that "where existing planned development provisions differ from the standards of this Chapter, the standards of this Chapter shall take precedence."

The application addresses the standards of this Chapter. The applicant initially requested a waiver to a standard for the minimum required width of the pedestrian connection. However, upon resubmittal following the completeness review letter, the applicant revised the proposal to meet the standards for the pedestrian connector. However, at that time, the applicant also requested waivers associated with architectural features.

The application doesn't explicitly state the waiver request, but a May 13, 2022 e-mail from the applicant describes the requested waivers consistent with the proposed architectural design submitted by the applicant.

- Roof Features. The standards call for cornices on parapets and overhanging cornices. In place
 of a cornice, the BK prototype building provides metal coping and an LED light band along the
 top of the building.
- Exterior Building Materials. The standards call for 75% of the building to be brick, stone, rock, CMU, or other material approved by the Planning Director. The BK prototype building provides brick wainscotting, brick features, and vintage wood cedar Nichiha. The remainder of the building is EIFS

In the completeness review letter, staff notified that applicant that the initial application didn't address the criteria for a waiver in Section 17.56.040(D) of the Zoning Ordinance, and staff requested that the applicant address those criteria. The applicant's June 6, 2022 additional submittal/resubmittal doesn't address those criteria. As addressed in the findings, staff finds that the applicant hasn't met the burden of proof regarding the requested waivers. The first criterion for a waiver is:

"There is demonstrable difficulty in meeting the specific requirement(s) of this chapter due to a unique or unusual aspect of the site, an existing structure, or the proposed use of the site."

There is no indication that there is any demonstrable difficulty in completing with the standards that address exterior materials and/or roof features. Staff does not recommend approval of the waivers. The applicant has not met the burden of proof to demonstrate that the applicable criteria for a waiver are satisfied, and there is no indication that the criteria would be satisfied. Staff has recommended a condition requiring that the applicant submit revised building elevations for review by the Planning Director that comply with the required standards for roof features and exterior building materials. Staff has reviewed the proposal and found there are additional revisions needed to meet the Large Format Commercial standards which are addressed as conditions of approval and discussed in the findings.

The Planning Commission recommended an additional condition of approval regarding screening of mechanical equipment, which is incorporated in the conditions of approval.

Landscape Plan (L 6-22)

A landscape plan is required for commercial site development. The standards and criteria are provided in Chapter 17.57 of the Zoning Ordinance. In addition, the Large Format Commercial standards in Chapter 17.56 of the Zoning Ordinance include some more stringent standards for parking lot landscaping. Also, Chapter 17.61 includes standards for landscape screening of trash enclosures.

The landscape plan is generally in compliance with the applicable standards and criteria. Staff has recommended conditions of approval, including a condition to make a minor adjustment to the location of the trash enclosure to allow for the required landscape screening on three sides to achieve consistency with the applicable standards in Chapter 17.61.

Planned Development Ordinance 4688 also includes the following provisions:

That landscape plans for the commercial site shall be submitted to the McMinnville Landscape Review Committee for review and approval prior to issuance of permits for any of the commercial buildings. At a minimum, 15 percent of the site shall be landscaped with emphasis placed along all street frontages, at major entrances to the commercial complex, within off-street parking lots, and at building perimeters. Final site and landscape plans should incorporate extensive streetside landscaping areas which facilitate meandering sidewalk(s) and street tree planting along both highway frontages (Highway 99W and the Highway 99W/Highway 18 Connector). A continuous evergreen screen shall be planted along the southern boundary of the site.

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Sidewalks have already been installed along the frontage of the properties within the Planned Development overlay area, including the subject property. Curb-tight sidewalks are present along the frontage of Booth Bend Road and the private shared driveway, and a sidewalk with planter strip is present along the Highway 99 frontage.

The proposed landscape plan does provide a substantial amount of landscape area adjacent to Highway 99 and at the corner of Highway 99 and Booth Bend Road. Much of the easterly landscape area is lawn; however, shrubs are incorporated around the perimeter of the parking and drive-through area. The landscaping coverage of this lot is approximately 50%, exceeding the 7% commercial standard, the 10% large format commercial standard, and the 15% provision above which applies to the entirety of the PD overlay area.

Partition (MP 1-22)

The proposed partition would create one additional parcel. It wouldn't create new streets, and would generally retain the existing shared access configuration, with an additional access easement for Parcels 1 and 2 to access the existing private driveway on the west side of southerly Parcel 2, providing addition separation from Booth Bend Road. The primary issue with the partition is provision if utilities through easements to be extended and shared by the proposed parcels.

Other

Sign Permits. A sign permit application would be required prior to installation of any signage. The property will continue to be considered a "multi-tenant complex" for purposes of applying the sign regulations.



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Figure 2. Zoning Map

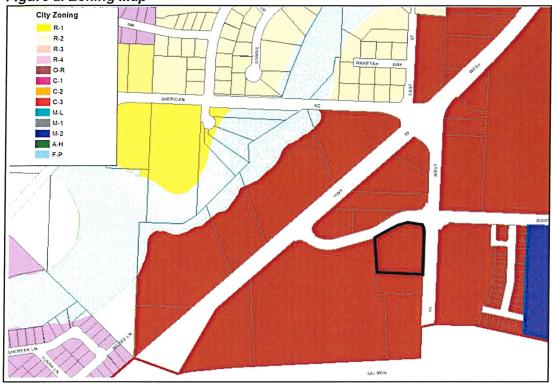


Figure 3. Approved PD Master Plan, Ordinance 4688

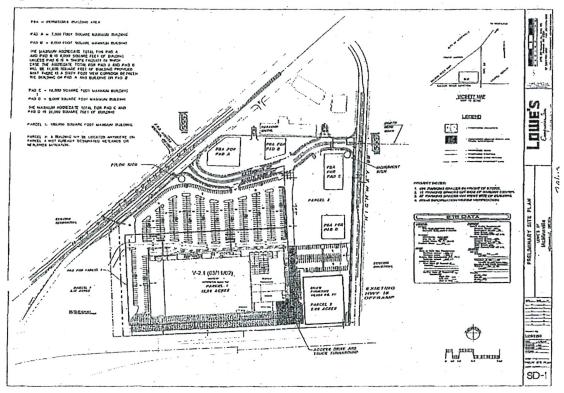


Figure 4. Existing Conditions and Applicant's Proposed Site Plan/Amendment to Master Plan

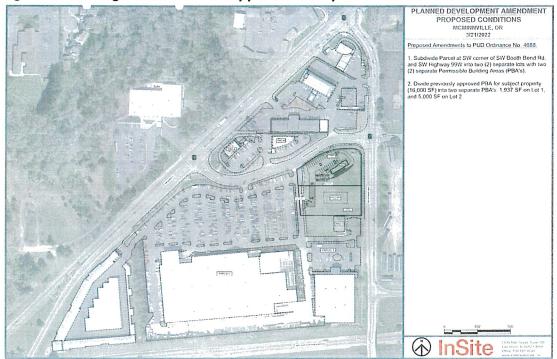


Figure 5. Enlargement of Subject Property and Applicant's Proposed Site Plan

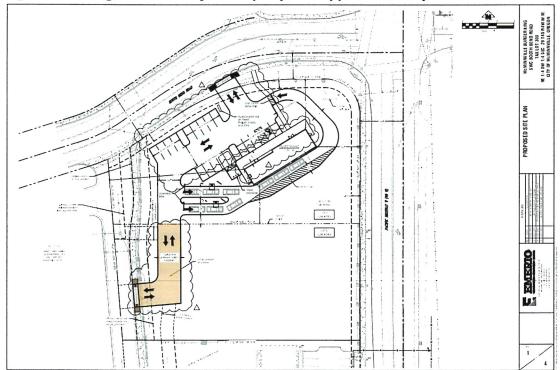
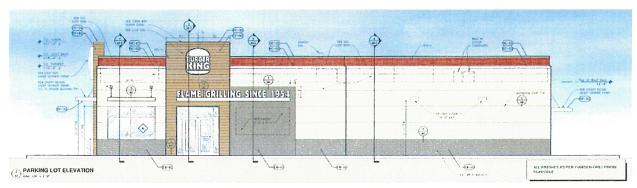


Figure 6. Proposed Landscape Plan MCMINNVILLE BURGER KING Insue Real Usiae SWG SPOTH BROBOGS INCHARGE STAGE

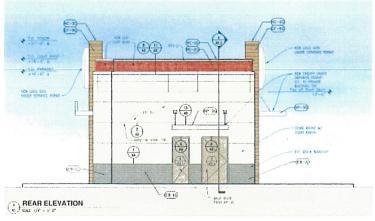
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Figure 7. Proposed Elevations









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Figure 8. Proposed Tentative Partition Plan

Public Comments

No written public comments were received.

Agency Comments

Notice of the proposal was sent to affected agencies and departments. Comments received from agencies are provided in Section IV of this Decision Document.

II. CONDITIONS:

The applications are approved subject to the following conditions:

Conditions Common to All Applications (PDA 3-22, LFW 1-22, 6-22, MP 1-22)

The following conditions are common to the approval of the plans for the combined applications: the amendment to the approved PD Master Plan, the Large Format Commercial Site Plan and Associated Landscape Plan, and the proposed access configuration and easements for the Partition:

1. The applicant shall provide additional information to address queuing issues, related to the proposed driveway location and requirements of the 2002 Interchange Area Management Plan.

The driveways shall be located to minimize turning-movement conflicts and be designed to accommodate truck turning movements." The applicant must provide evidence that these

requirements have been met. The memo provided by DKS Associates and dated December 27, 2021 does not address off-site vehicle queues or truck turning movements.

- a. For the purpose of documenting driveway volumes and potential queueing issues, the applicant shall include the full trip generation calculation including the gross AM and PM peak hour trips (as opposed to only the pass-by-adjusted and trip length-adjusted net PM peak hour trips on page 5 of the memo packet)
- b. For a proper understanding of future queueing impact, a queueing analysis including the intersection of Hwy 99W/Booth Bend Rd is necessary
- c. Without a queueing analysis, to be conservative for safety and operational purpose, the easterly site access at Booth Bend Road shall be limited to right-in, right-out only with one of the following two treatments options, with the determination of the option to be made by the City:
 - i. Solid double yellow centerline marking on Booth Bend Rd, and a non-traversable right-in right-out channelizing island (porkchop) at the site driveway
 - ii. Non-traversable median (raised curb) on Booth Bend Road extending from 99W intersection to past site driveway, "left-turn prohibited" signage at site driveway.
- For the final revised plans required for the applications, sight distance at any new or modified access points will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon.
- 3. The approval of the Large Format Commercial Review, Landscape Plan, and Partition are valid for 12 months.

General Conditions

- No sign shall be installed without first applying for applicable sign permits, building permits, and electrical permits. For purposes of applying the sign regulations, properties including any newly partitioned properties within the PD overlay which meet the definition of "multi-tenant complex" shall continue to be considered part of the "multi-tenant complex."
- 2. Prior to construction, developer to submit a Commercial Design Application to MWL with water and electric requirements.
- 3. A Line Extension Agreement may be required with McMinnville Water and Light for extension of electric facilities to the site.

PDA 3-22 Conditions of Approval and Amendments

- Master Plan. The Planned Development Amendment authorizes the amendment to the approved master plan (Ordinance 4688) for the subject property consistent with the proposed site plan, upon approval of revisions by the City as addressed in the conditions of approval herein.
- Standards. The Planned Development Amendment authorizes the number of parcels to be served by the existing shared private driveway as proposed through the partition, subject to final approval of the master plan, utilities, and associated easements.

LFW 1-22 Conditions of Approval

1. Approval of the site plan for LFW 1-22 is contingent on approval of the Planned Development Amendment PDA 3-22, and subject to compliance with the conditions and approval of the revisions herein.

- The applicant shall submit a revised site plan for review and approval by the Planning Director, addressing issues and incorporating the changes and conditions required in this decision document.
 - a. Consistent with Chapter 17.61, and 17.56.050(A)(3), the applicant shall provide a revised site adjusting the location of the trash enclosure further west to allow required landscape screening on the east side. The enclosure shall meet the applicable material and color requirements, and the site plan shall be revised to demonstrate "no parking" in front of the trash enclosure and associated "no parking" signage.
 - b. The applicant shall demonstrate the pedestrian access from Booth bend Road to the building entrance is 6-feet wide, provides a continuous accessible path, and provides a concrete surface or similar material where it crosses the drive-through exit lane.
 - c. The applicant shall provide two bicycle parking spaces (based on 10% of vehicular parking spaces provided).
- 3. The applicant shall submit revised building elevations for review and approval by the Planning Director, addressing issues and incorporating the changes and conditions required in this decision document, as follows:
 - a. Elevations demonstrating compliance with the Roof Feature standards in 17.56.050(B) and Exterior Building Material standards in 17.56.050(A)(6) of the Large Format Commercial design standards. The requested waivers to these standards are not approved.
 - b. Elevations demonstrating compliance with the Design Features of Subsection 17.56.050(A)(2). The elevations shall provide at least two of the design features along the majority of the main façade.
 - c. As part of the revised and updated elevations, the new exterior materials shall address the repeating elements of Subsection 17.56.050(A)(5)as discussed in the findings.
 - d. Plans and elevations shall demonstrate screening of mechanical equipment.
- 4. The applicant shall submit a lighting plan that demonstrates compliance with this requirement. Freestanding lighting shall have cut-off shielding to prevent glare off-site except on adjacent pedestrian facilities. Illumination levels shall meet but not exceed required level of illumination. Wall-mounted lighting shall not shine out onto the parking lot without use of cut-off shielding that prevents glare onto the adjacent roadways.
- 5. The site plan shall be consistent with, and incorporate all requirements for access, utilities, and easements in included in the conditions for the Partition MA 1-22.
- 6. This approval is valid for 12 months.

L 6-22 Conditions of Approval

- 1. Approval of the landscape plan, as configured, is contingent on approval of the proposed master plan amendment for Planned Development Amendment PDA 3-22 and the associated site plan for LFW 1-22, as revised and approved.
- 2. The applicant shall submit a revised landscape plan consistent with the revised site plan for review and approval, incorporating any required revisions of the site plan. Required revisions include:
 - a. The trash enclosure shall be moved far enough to the west to allow sufficient area on the east side for the required landscape screening of the third side of the trash enclosure.

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- b. Landscaping shall be provided around three (3) sides of the required trash and recycling enclosure. Climbing vines and screening shrubs are appropriate, and plant material must be a minimum of three (3) feet in height at the time of planting.
- c. Utility service to the parcel has not been designed. Final location of transformers and vaults may require modifications to the landscape plan.
- 3. The applicant shall install landscaping as shown on the revised, approved landscape plan and shall comply with required conditions of approval.
- 4. The applicant shall contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to any planting excavation to ensure that underground utilities are not damaged.
- 5. The applicant shall maintain proper clearances around the existing and future water and electrical services that will be located on the site. Landscaping shall not be placed within four (4) feet of fire hydrants, within four (4) feet of water valves, within four (4) feet of vaults, within three (3) feet of the back or side of a transformer, or within one (1) foot of water meters. Minor adjustments in plant placement from the locations shown on the approved landscape plan are allowed if relocation is necessary to meet minimum clearances.
- 6. The planting of street trees shall be subject to the design drawings and specification developed by the City in May 2014. The applicant shall provide root barrier protection in order to minimize sidewalk and tree root conflicts. The barrier shall be placed on the public sidewalk side of the tree and the curb side of the tree. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a depth of eighteen (18) inches. In addition, street trees shall be staked and provided with two (2) deep watering tubes to promote deep root growth per the specification.
- 7. The applicant is reminded that trees are not to be planted within:
 - a. Five (5) feet of a private driveway or alley:
 - b. Ten (10) feet of a fire hydrant, transformer, power or water vault, water meter box, utility pole, sanitary sewer, storm or water line; or
 - c. Twenty (20) feet of street light standards or street intersections.
- 8. All street trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above grade. All trees shall be healthy grown nursery stock with a single straight trunk, a well-developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.
- 9. The applicant shall schedule an inspection with the McMinnville Public Works Superintendent of the installed root barrier and water tubes prior to any street tree planting. Trees intended for planting shall be on-site and available for inspection. The applicant shall contact the McMinnville Public Works Superintendent, at (503) 434-7316 to schedule a planting inspection prior to backfilling.
- 10. All approved landscaping and street teres shall be continually maintained, including necessary watering, weeding, pruning, and replacement, by the developer or property owner. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.
- 11. As provided in Section 17.57.070(C), minor changes in the landscape plan, such as like-for-like replacement of plants, shall be allowed, as long as they do not alter the character and aesthetics

of the original plan. It shall be the Planning Director's decision as to what constitutes a major or minor change. Major changes to the landscape plan shall be reviewed and approved by the Landscape Review Committee.

12. This approval is valid for 12 months.

MP 1-22 Conditions of Approval

- 1. Approval of the Partition is contingent on approval of the Planned Development Amendment PDA 3-22, and consistent with any required revisions to address conditions of approval.
- 2. The applicant shall submit to the City Engineer, for review and approval, a utility plan for the subject site. At a minimum, this plan shall indicate the manner in which separate sanitary sewer, storm sewer, and water services will be provided to each of the proposed lots. Currently proposed lot 2, 0.86 acres does not have access to public sanitary or storm sewer.
- 3. The applicant shall submit a draft copy of the partition plat to the City Engineer for review and comment which shall include any necessary cross easements for access to serve all the proposed parcels, and cross easements for utilities which are not contained within the lot they are serving, including those for water, sanitary sewer, storm sewer, electric, natural gas, cable, and telephone.
- 4. The applicant shall apply for a right-of-way permit for the storm connection into the city storm main. Contact Matt Bernards 503-434-7312 matthew.bernards@mcminnvilleoregon.gov.
- 5. For any work within the ODOT right-of-way, the applicant shall obtain any necessary permits form ODOT.
- 6. Prior to the City's approval of the final plat, the applicant shall reconstruct the site driveways and sidewalks in the right-of-way that conform to the public right-of-way accessibility guideline (PROWAG) standards. Only those sections that do not meet the PROWAG standards have to be reconstructed. Contact Matt Bernards at 503-474-5106 with any questions regarding the driveway/sidewalk improvements.
- 7. The final partition plat shall include easements for access, sanitary sewer, and storm water facilities, and landscaping as shown on the tentative partition plat. These easements shall be noted as private.
- 8. The final plat shall include use, ownership, and maintenance rights and responsibilities for all easements.
- 9. The applicant shall secure from the Oregon Department of Environmental Quality (DEQ) any applicable storm runoff and site development permits prior to construction of the required site improvements. Evidence of such permits shall be submitted to the City Engineer.
- 10. That two (2) copies of the final partition plat mylars shall be submitted to the City Engineer for the appropriate City signatures. The signed plat mylars will be released to the applicant for delivery to McMinnville Water and Light and the County for appropriate signatures and for recording.
- 11. That this partition will not be considered a legal partition until such time that a copy of the recorded document is provided to the City of McMinnville's Planning Department.

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12. That approval of this tentative plat will expire 12 (twelve) months after the effective date of decision. If the final plat has not been submitted prior to expiration of the tentative plat, or a written request for an extension of this approval has not been submitted and approved within that same period, the applicant must resubmit a tentative plat for further consideration and comply with regulations and conditions applicable at that time.

III. ATTACHMENTS:

- 1. PDA 3-22 Application and Attachments (on file with the Planning Department)
- 2. Planned Development Ordnance 4688
- 3. Memo from Staff with Responses to Planning Commissioner Questions, with July 14, 2022 Memo from David Evans and Associates attached

IV. COMMENTS:

Agency Comments

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; and Northwest Natural Gas. The following comments were received:

ODOT

These comments are for the proposed Burger King at the SW corner of Booth Bend and OR-99W:

- It doesn't appear that any work is proposed in the ODOT right-of-way. If that changes, the applicant will need a permit from ODOT.
- The proposed driveway on Booth Bend Road is a city decision, but the city should consult the <u>OR-18/OR-99W Interchange Access Management Plan</u> that was adopted in 2002. Figure 7-4 and the text on page 68 show and describe access on Booth Bend Road. Up to three driveways are allowed on the south side of Booth Bend Road, but it specifies that "vehicle queues at the traffic signals...do not spill back beyond the driveways." Please verify compliance.

McMinnville Engineering Department

Here are our comments and suggested conditions of approval regarding the above listed applications:

PDA 3-22, MP 1-22 COMMENTS:

TRANSPORTATION

1. Per the Highway 18/99W South Interchange Access Management Plan dated November 12, 2002, and prepared by Kittelson and Associates "Between the HWY 18 Connector and HWY 99W, the Booth Bend Road Extension will include up to three driveways on the north side and three driveways on the south side to serve future private development. The driveways shall be located to ensure that adequate storage is available for vehicle queues at the traffic signals and that queues do not spill back

beyond the driveways. The driveways shall be located to minimize turning-movement conflicts and be designed to accommodate truck turning movements." The applicant must provide evidence that these requirements have been met. The memo provided by DKS Associates and dated December 27, 2021 does not address off-site vehicle queues or truck turning movements.

2. Prior to the City's approval of the final plat, the applicant shall reconstruct the site driveway and sidewalk in the right-of-way that conform to the public right-of-way accessibility guideline (PROWAG) standards. Only those sections that do not meet the PROWAG standards have to be reconstructed. Contact Matt Bernards at (503) 434-7312 with any questions regarding the driveway/sidewalk improvements.

SANITARY SEWER

Suggested conditions of approval related to sanitary sewer service include:

1. The applicant shall submit to the City Engineer, for review and approval, a utility plan for the subject site. At a minimum, this plan shall indicate the manner in which separate sanitary sewer, storm sewer, and water services will be provided to each of the proposed lots. Currently proposed lot 2, 0.86 acres does not have access to public sanitary or storm sewer.

STORM DRAINAGE

Suggested conditions of approval related to storm drainage include:

1. The applicant will apply for a right-of-way permit for the storm connection into the city storm main. Contact Matt Bernards 503-434-7312, matthew.bernards@mcminnvilleoregon.gov.

MISCELLANEOUS

Additional suggested conditions of approval include:

- 1. The final plat shall include use, ownership, and maintenance rights and responsibilities for all easements.
- 2. The final partition plat shall include easements for access, sanitary sewer, and storm water facilities as shown on the tentative partition plat. These easements shall be noted as private.
- 3. The applicant shall secure from the Oregon Department of Environmental Quality (DEQ) any applicable storm runoff and site development permits prior to construction of the required site improvements. Evidence of such permits shall be submitted to the City Engineer.
- 4. That the applicant shall submit a draft copy of the partition plat to the City Engineer for review and comment which shall include any necessary cross easements for access to serve all the proposed parcels, and cross easements for utilities which are not contained within the lot they are serving, including those for water, sanitary sewer, storm sewer, electric, natural gas, cable, and telephone.

McMinnville Fire Department

The Fire Department has no issues with this proposed development. Note: building must be built to meet all current Fire Codes, access and water supply.

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McMinnville Water & Light

McMinnville Water & Light has the following comments:

- 1. Landscape Plan: Utility service to the parcel has not been designed. Final location of transformers and vaults may require modifications to the landscape plan.
- 2. Prior to construction, developer to submit a Commercial Design Application to MWL with water and electric requirements.
- 3. A Line Extension Agreement may be required for extension of electric facilities to the site.

Recology

No concerns as proposed.

Comcast

After review, Comcast has no comment on this project.

Public Comments

No public comments have been received as of July 14, 2022.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

- 1. The applicant mailed notice of a neighborhood meeting dated September 30, 2021 and held a neighborhood meeting on October 23, 2021.
- 2. The applicant submitted the applications with payment made on March 28, 2022.
- 3. The applications were deemed incomplete on April 25, 2022. The applicant submitted additional information on June 6, 2022. The applications were deemed complete on June 29, 2022.
- 4. On July 1, 2022, notice of the applications was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; and Northwest Natural Gas.

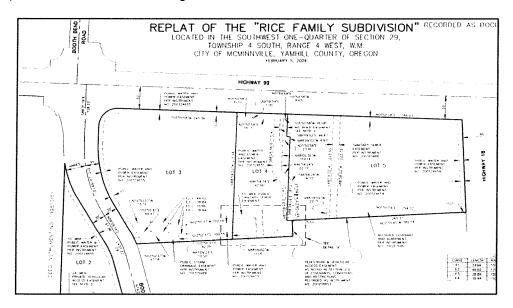
Comments received from agencies are addressed in Section IV of this Decision Document.

- 5. On June 30, 2022, notice of the applications and the July 21, 2022 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance.
- On July 15, 2022, notice of the applications and the July 21, 2022 Planning Commission public hearing was published in the News Register in accordance with Section 17.72.120 of the Zoning Ordinance.
- On July 21, 2022, the Planning Commission held a duly noticed public hearing to consider the applications. The Planning Commission recommended approval of the requests, subject to conditions of approval.

8. The City Council met on August 23, 2022 to consider the request and the recommendation of the Planning Commission.

VI. FINDINGS OF FACT - GENERAL FINDINGS

- 1. Location:
 - a. Address: SW Corner of Booth Bend Rd and Hwy 99
 - b. Map & Tax Lot: R4429CA 00300
- 2. Size: Approximately 1.8 acres
- 3. Comprehensive Plan Map Designation: Commercial
- 4. **Zoning:** C-3 PD (General Commercial with Planned Development Overlay, Ordinance 4688)
- 5. Overlay Zones/Special Districts: None
- 6. Current Use: Undeveloped
- 7. Inventoried Significant Resources:
 - a. Historic Resources: None
 - b. Other: None identified
- 8. Other Features:
 - a. Slopes: The site is generally flat.
 - **b.** Easements: There are existing easements on the property and/or stubbed to the property, including public stormwater, sanitary sewer, and power and water easements, as well as private easements, including access and circulation easements.



9. **Utilities:** The property is served with basic municipal services, including water, sewer, power, and franchise utilities. Easements will be necessary to serve development with the proposed partition.

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10. Transportation: The subject property has frontage on Booth Bend Road to the north and Hwy 99 to the east. The parcel has a shared private access on the west side which also serves other properties within the Planned Development Overlay area. Other properties within the Planned Development Overlay area (Ordinance 4688) also have frontage on Highway 18 to the west and south.

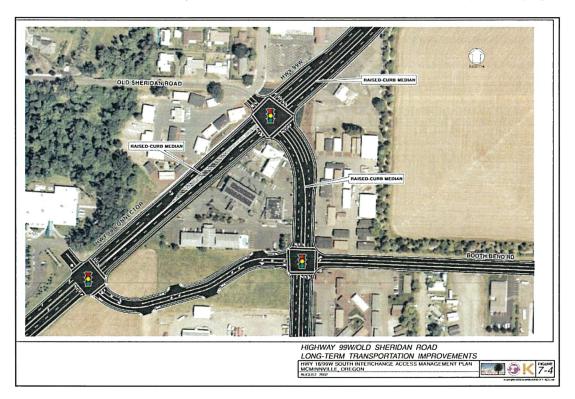
Booth Bend Road is a Local Access Street. Highway 99 and Highway 18 are Major Arterials. Highway 99 is a Regional Highway, and Highway 18 is a Regional Highway on the west side and a State Highway on the south side.

The frontage of the subject property and the other properties within the PD Overlay are improved with curb, gutter, and sidewalk. Curb-tight sidewalk is present along Booth Bend Road and along the east side of the shared private driveway. Sidewalk with a planter strip is present along the frontage of Highway 99.

This area is included within an "IAMP" (Interchange Area Management Plan) adopted in 2002. The plan restricts access to the adjacent highways and establishes limits for access onto Booth Bend Road.

The IAMP authorizes three accesses to the south side of Booth Bend Road, and the prior Planned Development showed an access point at the approximate location proposed by the applicant.

Thew IAMP calls for a medium- to long- term improvement to Highway 99 for widening to five lanes. This is not a City project, and the City's SDCs do not include finding of this project.



ODOT provided the following comments regarding access:

- It doesn't appear that any work is proposed in the ODOT right-of-way. If that changes, the applicant will need a permit from ODOT.
- The proposed driveway on Booth Bend Road is a city decision, but the city should consult the <u>OR-18/OR-99W Interchange Access Management Plan</u> that was adopted in 2002. Figure 7-4 and the text on page 68 show and describe access on Booth Bend Road. Up to three driveways are allowed on the south side of Booth Bend Road, but it specifies that "vehicle queues at the traffic signals...do not spill back beyond the driveways." Please verify compliance.

VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria and standards for the application.

McMinnville Zoning Ordinance

The following Sections of Title 17, Zoning Ordinance, of the McMinnville Municipal Code provide criteria and standards applicable to the requests:

Planned Development Amendment PDA 3-22

The applicable criteria for a Planned Development Amendment are specified in Section 17.74.070 of the Zoning Ordinance. Development standards for the C-3 Zone are provided in Chapter 17.33 of the Zoning Ordinance.

17.74.070 Planned Development Amendment - Review Criteria. An amendment to an existing planned development may be either major or minor. Minor changes to an adopted site plan may be approved by the Planning Director. Major changes to an adopted site plan shall be processed in accordance with Section 17.72.120, and include the following:

- An increase in the amount of land within the subject site;
- An increase in density including the number of housing units;
- A reduction in the amount of open space; or
- Changes to the vehicular system which results in a significant change to the location of streets, shared driveways, parking areas and access.

APPLICANT'S RESPONSE: No response

FINDING: SATISFIED/APPLICABLE. The proposed amendment is a major amendment due to changes to the vehicular system which results on changes to shared driveways, parking areas, and access. Therefore, the application is processed in accordance with 17.72.120, with the Panning Commission making a recommendation to City Council.

An amendment to an existing planned development may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

A. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;

.....

APPLICANT'S RESPONSE: The physical building layout and architectural design are in conformance with the conditions and objectives described in the approved PD Ordinance. The proposed Permissible Building Area (PBA) as shown on the PD Site Plan, is proposed to be divided into two (2) separate PBA's (1,937 SF and 5,500 SF), the combination of which (7,437 SF) will still be less than the previously approved PBA for a single building (16,000 SF). In addition, the existing lot (+/- 1.80 acres) is proposed to be subdivided into two (2) lots (Parcel 1 = 40,898 SF (0.94 acres); Parcel 2 = 37,659 SF (0.86 acres)), one for each PBA. The northern of the two subdivided lots will be the subject property for development of the 1,937 SF fast-food restaurant.

The original plan showed two pads C and D on a parcel that included the subject property. Part of that parcel indicated on the attached site plan was previously partitioned off with a building pad - Pad D (Hometown Dental). This proposal would partition the balance of the remaining parcel into two additional parcels and amend the site plan to allocate the previously identified Pad C into two new pads allocated between the two new parcels. Parcel 1 would have a 1,937 sf fast food restaurant with drive-through configured as shown on the site plan, and Parel 2 would have a ~5,500 sf building pad. This is shown generically, and is proposed to include an additional shared access.

FINDING: SATISFIED WITH CONDITIONS. The proposal is predominantly a revision to the approved Planned Development master plan, and not predominantly a departure from applicable standards. The plan would include a departure from standards for the partition for an additional parcel to use the shared driveway. This wouldn't dramatically change the existing shared access configuration from the master plan.

B. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;

APPLICANT'S RESPONSE: The proposed development is consistent with the Comprehensive Plan in that the area is contemplated to be developed as commercial property.

FINDING: SATISFIED WITH CONDITIONS. The proposed amendments remain consistent with the intent of the Comprehensive Plan and the original Planned Development approval, retaining a master planned commercial center that includes shared access and circulation features predominantly in the same configuration as the original master plan as it has built-out with some adjustments over the years.

The provisions for shared access remain suitable to allow for reasonable access and circulation to the remaining undeveloped areas of the original PD on the subject parcel and to the south. The coordinated access and circulation are also suitable for the additional number of parcels utilizing shared access facilities that would result from the partition. The shared private access as previously approved and constructed remains suitable for this property given the access control limitations and associated lack of further opportunity for public street connectivity.

As conditions of approval, the applicant shall submit information for review and approval regarding queuing, which may require the easternmost driveway to be limited to right-in right-out only, and the applicant shall provide information from a registered engineer addressing sight distance.

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C. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;

APPLICANT'S RESPONSE: The proposed driveway access shown on the Site Plan is matching the previously approved PD Site Plan.

FINDING: SATISFIED WITH CONDITIONS.

Access

The applicant's preliminary proposal which was discussed at a pre-application didn't include the easternmost driveway and included an access point to the shared driveway further to the north almost across from the Lowe's parking lot drive aisle near the intersection of Booth Bend Road.

The applicant's final application submittal has a new easterly driveway at the approximate location of the driveway shown in the approved PD master plan. It also includes a shared access point with the proposed Parcels 1 and 2 to the shared driveway which is farther south that the preliminary proposal, reducing conflicts near the intersection of the private shared driveway and Booth Bend Road.

As a condition of approval, the applicant will need to addressing queuing and may be required to restrict left-turn movements from Booth Bend Road into the easterly driveway, so the easterly driveway will be right-in/right-out only. The applicant hasn't provided queuing analysis and hasn't demonstrated adequate distance for deceleration and queuing as it relates to the east-bound left-turn lane from Booth Bend Road onto Highway 99 at the signalized intersection of Booth Bend Rd and Highway 99.

As a condition of approval, the applicant shall also provide information from a registered engineer addressing sight distance for review and approval.

Services

Comments have been provided from the Engineering Department and McMinnville Water and Light regarding provision of utility services. Those have been incorporated as conditions of approval. This criterion is met as it relates to provision of services subject to conditions of approval. The plans require provision of some services via easements from adjoining parcels within the Planned Development overlay area.

D. The plan can be completed within a reasonable period of time;

APPLICANT'S RESPONSE: The intent is to start construction as soon as possible with an estimated 6-month construction schedule, not including weather delays.

FINDING: SATISFIED. The applicant has demonstrated they would be able to proceed with construction this year. There is no current proposal to develop proposed Parcel 2.

E. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;

APPLICANT'S RESPONSE: Please refer to the Trip Generation Memo prepared by DKS Associates.

FINDING: SATISFIED WITH CONDITIONS. The applicant has provided information from a traffic engineering addressing traffic generation, which is predominantly pass-by trips during the pm peak hour period.

Specific issues identified by staff to be addressed through conditions of approval are related to the specific access configuration proposed by the applicant relative to the traffic generation. As a condition of approval, the applicant will need provide information regarding queuing and may be required to limit access to the easterly driveway to right-in right-out to avoid conflicts with the left-turn lane at the signalized intersection and to address queuing beyond the driveway.

The applicant has also proposed an access easement across proposed Parcel 2 to provide access from proposed Parcel 1 to the shared private driveway to south of the proposed property line. This proposed access configuration and necessary easements are part of the proposal and conditions.

F. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;

APPLICANT'S RESPONSE: Per conversations with the City during the Pre-Application Meeting, and then further verified by a licensed land surveyor, there are adequate utilities available at or near the property boundary.

FINDING: SATISFIED WITH CONDITIONS. No residential development or population density is served. Subject to conditions of approval regarding provision of utilities and easements, utility and drainage facilities will be adequate to serve the proposed commercial development.

G. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole.

APPLICANT'S RESPONSE: The noise, air, and water pollutants are partially governed by local standard which the proposed development will comply with. Any pollutants will be minimized to the fullest extent practicable. Any potential impact will be consistent with other typical commercial development, which will not result in any adverse impacts to surrounding areas or the larger community.

FINDING: SATISFIED. The proposed Planned Development Amendment doesn't result in changes that would be significantly different regarding these issues when compared the current Planned Development approval.

Large Format Commercial Review with Waivers (LFW 1-22)

17.56.030. Applicability.

A. The requirements of this Chapter shall apply to:

- New commercial structures, the footprint of which exceeds 25,000 square feet of gross floor area;
- Additions to commercial structures that result in a combined total footprint exceeding 25,000 square feet of gross floor area, and that represent more than a 20 percent increase in building gross floor area. In those cases, the building's entire façade shall be brought into compliance with the standards of this chapter to the extent practicable.

- 3. Buildings less than 25,000 square feet in size that share appurtenant facilities, such as driveways, parking and pedestrian walkways, with developments otherwise subject to the requirements of this chapter. Examples include restaurants, banks, gas stations and convenience stores constructed on building pads or separate lots located within a larger development site that is otherwise subject to the requirements of this chapter.
- B. Where existing planned development provisions differ from the standards of this Chapter, the standards of this Chapter shall take precedence.

APPLICANT'S RESPONSE: No response.

FINDING: SATISFIED/APPLICABLE. The large format commercial standards apply to the subject development under Subsection (A)(3) since the proposed Burger King of ~2,000 square feet shares appurtenant facilities with Lowe's and Roby's Furniture, both larger than 25,000 square feet. Per Subsection (B), the Large Format Commercial Standards, adopted after the original Planned Development approval, take precedence.

17.56.040(D)

A guideline or standard contained in this ordinance may be waived as a part of the design review process. If a waiver is requested, the applicant must explain in their application how the proposed design meets or exceeds the guidelines and standards of this chapter. A request for a waiver shall be reviewed by the Planning Director and notification shall be provided as set forth in Section 17.72.110. The Director shall base a decision to approve, approve with conditions, or deny a waiver request based on the following criteria:

- 1. There is a demonstrable difficulty in meeting the specific requirement(s) of this chapter due to a unique or unusual aspect of the site, an existing structure, or the proposed use(s) of the site;
- 2. There is demonstrable evidence that the alternative design shall accomplish the purpose of this chapter in a manner that is equal to or superior to a project designed consistent with the guidelines standards contained herein; and,
- 3. The waiver requested is the minimum necessary to alleviate the difficulty of meeting the requirements of this chapter.
- 4. Notification of the Director's decision shall be provided as set forth in Section 17.72.150. A copy of the Director's letter shall be provided to the Building Official.
- 5. An appeal of a decision by the Planning Director may be made subject to the provisions of Section 17.72.170. (Ord. 4920, §4, 2010)

APPLICANT'S RESPONSE: No response. [Note: The applicant referenced the requested waivers under the responses regarding the applicable standards, but did not address the waiver criteria].

FINDING: NOT SATISFIED. In the April 25, 2022 Completeness Review Letter, staff provided the following comment:

LFW 1-22.

The criteria for a waiver are provided in Section 17.56.040(D) of the Zoning Ordinance. The application doesn't address the applicable criteria. Please address these criteria.

The applicant initially requested a waiver to a standard for the minimum required width of the pedestrian connection. However, upon resubmittal following the April 25 completeness review letter, the applicant revised the proposal to meet the standards for the pedestrian connector. However, at that time, the applicant also requested waivers associated with architectural features.

The application doesn't explicitly state the waiver request, but a May 13, 2022 e-mail from the applicant describes the requested waivers consistent with the proposed architectural design submitted by the applicant.

- Roof Features. The standards call for cornices on parapets and overhanging cornices. In
 place of a cornice, the BK prototype building provides metal coping and an LED light band
 along the top of the building.
- Exterior Building Materials. The standards call for 75% of the building to be brick, stone, rock, CMU, or other material approved by the Planning Director. The BK prototype building provides brick wainscotting, brick features, and vintage wood cedar Nichiha. The remainder of the building is EIFS

The application doesn't address the waiver criteria, and the applicant hasn't met the burden of proof that the criteria are met for the requested waivers.

Further, there is no evidence to indicate that Criterion 1 could be satisfied: "There is a demonstrable difficulty in meeting the specific requirement(s) of this chapter due to a unique or unusual aspect of the site, an existing structure, or the proposed use(s) of the site."

There is no identified unique or unusual aspect of the site, existing structure, or proposed use of the site that would create demonstrable difficulty in complying the standards for roof features or exterior building materials.

Therefore, the requested waivers are not approved, and as a condition of the Large Format Commercial Review, the applicant shall submit revised plans and elevations for review and approval that demonstrate compliance with the standards for Roof Features and Exterior Building Materials.

17.56.050. Development Standards.

Large-dimensioned, plain, building facades are typically perceived as architecturally monotonous and do not reflect the existing or desired character of the McMinnville community. Toward reducing the visual scale of such buildings, McMinnville supports architectural designs that relate to both the pedestrian as well as to those traveling within adjacent rights-of-way.

To implement that vision, McMinnville requires that large commercial structures, as defined in this chapter, provide architectural features that "break up" or articulate the building's horizontal plane, and that provide visual interest. Examples of elements supportive to this design include, but are not limited to, the use of vertical columns, gables, a variety of compatible and complementary building materials, the provision of openings in the building façade, and landscaping, both around the perimeter and throughout the site.

This vision for development is addressed through the following four sections of this chapter identified as: Building facades; roof features; site design; and energy efficiency.

A. <u>Building Facades</u>. Buildings shall have architectural features and patterns that provide visual interest relating to both the pedestrian as well as to those traveling within adjacent rights-of-way. The following elements shall be integral parts of the building fabric, and not superficially applied trim, graphics, or paint.

Architectural Projections or Recesses.

Features such as projections and recesses can create an interplay of sun and shadow along the façade and provide the building a sense of depth and substance. Additionally, projections and recesses can also provide strong visual focal points and are often used to emphasize specific aspects of the design such as an entry or adjacent plaza.

<u>Standard</u>: Building facades shall include architectural projections and/or recesses incorporated into each exterior wall design. The proposed design shall be of such dimension to relate significantly to both the pedestrian as well as to those traveling within adjacent rights-of-way.

APPLICANT'S RESPONSE: The proposed building elevations incorporate projections and recesses into the exterior wall design.

FINDING: SATISFIED. The proposal incorporates changes in the horizontal plane of the walls together with changes in materials in vertical height at the customer entrances on the front elevations and also at the location of the drive-through windows and front bay on the rear elevation

2. Design Features.

Large structures that provide a combination of design features add visual interest to the building, and help it relate the pedestrian scale. Further, the provision of customer amenities such as covered walkways also help to create a more inviting atmosphere for the community at-large. In an effort to avoid the construction of large, architecturally plain commercial facilities, McMinnville encourages architectural variety and character in its building design and the provision of pedestrian amenities to create a more livable and enjoyable outdoor environment for the community.
In an effort to avoid the construction of large, architectural variety and character in its building design and the provision of pedestrian amenities to create a more livable and enjoyable outdoor environment for the community.

Standard: Buildings shall include at least two design features along the majority of the main façade such as canopies, awnings, porticos, covered walkways, or transparent display windows.

APPLICANT'S RESPONSE: The proposed building elevations include multiple of the standard design features listed, including canopies, covered walkways, and transparent display windows.

FINDING: SATISFIED WITH CONDITIONS. While these items are present on the customer entrance elevations, two of these features are not present along the majority of the façade. As a condition of approval, the applicant shall submit revised elevations demonstrating compliance with this standard.

3. Loading Facilities.

To aid in mitigating negative visual impacts commonly associated with off-street loading facilities, such facilities shall be visually screened by either a wall designed to architecturally complement the building exterior, an evergreen vegetative screen, or a combination of these two options. Solid waste and recycling enclosures shall

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be designed as required by Chapter 17.61(Solid Waste and Recycling Enclosure Plan) of the McMinnville Zoning Ordinance.

APPLICANT'S RESPONSE: There are no proposed designated loading facilities, so this standard is not applicable.

FINDING: SATISFIED WITH CONDITIONS. There is no loading dock. Service doors are located away from public right-of-way facing a landscaped area.

In order to comply with the requirements of Chapter 17.61, as conditions of approval, the applicant shall revise the site plan to adjust the location of the trash enclosure to provide sufficient area on the east side to provide the required landscape screening; the applicant shall demonstrate that the area in front of the trash enclosure is signed for "no parking" and verify adequate parking spaces with the revised site plan; and the applicant shall provide information regarding the design of the trash enclosure, including material and color, to demonstrate compliance with Chapter 17.61.

4. Entrances.

To provide architectural interest to the building and to provide meaningful focal point(s), the customer entrance(s) of each large commercial structure shall be clearly visible and architecturally prominent.

APPLICANT'S RESPONSE: The proposed entrance to the building is a meaningful focal point, highlighted by Vintage Wood Cedar Nichiha as well as a clearly visible, architecturally prominent, canopy-mounted signage.

FINDING: SATISFIED. Each customer entrance is defined with a vertical and horizontal offset and change in material.

5. Repeating Elements.

All building facades shall include a repeating pattern that includes at least three of the following four elements, one of which shall repeat horizontally:

- a. Color change
- b. Texture change
- c. Material change
- d. Architectural or structural bays provided through a change in plane of at least 12 inches in width, such as a reveal, projecting rib, or offset.

APPLICANT'S RESPONSE: There are multiple examples of repeating elements shown on the proposed building elevations, including color changes, texture changes, material changes, and expansion joints.

FINDING: SATISFIED WITH CONDITIONS. To comply with the Exterior Building Materials standards, the applicant needs to submit revised elevations with 75% of exterior building materials meeting the requirement of Subsection 6 below. With that resubmittal, the applicant shall demonstrate compliance with the requirements for repeating element. For example, if EIFS is replaced with additional masonry, the reveal lines shall be replaced with a masonry belt course or similar features that meet the standards of this section.

6. Exterior Building Materials.

a. At least 75% of exterior building materials shall include:

- i. Brick
- ii. Rock
- iii. Stone,
- iv. Tile, and/or
- v. Tinted and textured concrete masonry units
- vi. Other materials as approved by the Planning Director
- b. Exterior building materials may include the following architectural and design elements as approved by the Planning Director; the applicant shall demonstrate compliance of the design guideline goals and standards of this chapter:
 - i. Smooth-faced concrete masonry units
 - ii. Metal siding
 - iii. Smooth-faced tilt-up concrete panels
- c. Exterior building materials shall not include:
 - i. T-111 siding
 - ii. Plain plywood, and
 - iii. Sheet Pressboard

APPLICANT'S RESPONSE: While the proposed exterior building materials shown on the building elevations submitted are not explicitly compliant with the City's LFCDS, the exterior building materials for the proposed building include brick wainscotting, since brick is one of the desired exterior building materials identified in the LFCDS. In addition to the brick wainscotting, there is Nichiha (vintage wood cedar style) parapets, while the remainder of the building is mostly comprised of stucco. The proposed building materials sufficiently accomplish the intent and objectives of this section of the LFCDS.

FINDING: SATISFIED WITH CONDITIONS. The applicant didn't demonstrate the criteria were met for a waiver to this standard. As a condition of approval, the applicant shall submit revised elevations for review and approval that meet the requirements of Subsection (A)(6)(a) for the required materials for 75% of the façade.

7. Multiple-Tenant Buildings.

When large commercial structures contain multiple tenants, each business that occupies less than 15,000 square feet of gross ground-floor area, and with separate exterior entrance(s), shall have transparent windows along at least 50 percent of the horizontal length of its storefront. The bottom of the ground floor windows shall be no more than three (3) feet above the adjacent exterior grade. These requirements are in addition to all other requirements of this Chapter.

APPLICANT'S RESPONSE: No response.

FINDING: NOT APPLICABLE. The proposed building is not a multi-tenant building.

- B. Roof Features. Rooftops and rooflines have the ability to define the skyline and become symbols of the building. Architectural variability in the roof design can enhance the character of the development and can add to its positive relationship to the neighborhood around it. McMinnville encourages roof designs that provide architectural variation and visual interest to complement the community at-large. Toward this end, roof features shall incorporate no less than two of the following features:
 - 1. Parapets with cornices;
 - 2. Overhanging eaves or cornices;

3. Prominent portions of the roof design exhibiting slopes with a plane of between 4/12 (33 degrees) and 6/12 (45 degrees).

APPLICANT'S RESPONSE: The proposed building elevation includes roof features consistent with the City's standards including parapets as described previously in this letter. In addition to the architecturally significant parapets, the proposed building includes a significant architectural feature in the form of metal coping and an LED Light Band around the full perimeter of the building. These specialty roof features sufficiently accomplish the intent and objectives of this section of the LFCDS and furthermore are considered essential to the proposed Tenant's branding.

FINDING: SATISFIED WITH CONDITIONS. The applicant didn't demonstrate the criteria were met for a waiver to this standard. As a condition of approval, the applicant shall submit revised elevations for review and approval that meet the requirements of Subsection (6)(B) for a design that provides at least two of the required roof features. As a condition of approval, the applicant shall submit a design and information that ensures screening of mechanical equipment.

C. Site Design.

Buffering.

Where a property containing a large commercial structure(s) abuts land zoned for residential use, and no public street separates the residential-zoned land from the commercially zoned property, the proposed use shall provide screening in the form of sight-obscuring, evergreen plantings, shade trees, fences, walls, or combinations of plantings and screens. Where plant material is used, emphasis shall be placed on achieving an effective year-round vegetative screen as approved by the Landscape Review Committee. Chain-link fencing shall not be permitted.

APPLICANT'S RESPONSE: Buffering is required when a Large Format Commercial Building is proposed adjacent to a residential use, however, that is not the case for the subject development, and as such, no vegetative screening of fencing is required.

FINDING: NOT APPLICABLE. All surrounding land is zoned C-3, and the property doesn't abut residential zoning or use at a common property line.

2. Pedestrian Walkways.

- a. Continuous 10-foot-wide pedestrian walkways shall be provided along the full length of any building facade featuring a customer entrance, and along any other building facade abutting customer parking areas for the distance that the parking lot abuts the building.
- b. Continuous 10-foot-wide pedestrian walkways may be allowed to be separated from the building façade with planting beds for foundation landscaping except where features such as covered entrances, awnings or canopies are part of the building façade, wherein the walkway must abut the building façade. Such walkways shall include weather-protection features, such as awnings, within 30 feet of all customer entrances and connecting to the entrance(s).
- c. Continuous six-foot-wide pedestrian walkways shall be provided from the sidewalk along the adjacent public or private street(s) to the principal customer entrance(s) of all large commercial structures. These pedestrian walkways shall

feature abutting landscaped areas of no less than five-feet in width for no less than 50 percent of the length from the building to the adjacent street.

- d. Pedestrian walkways shall be distinguished from driving surfaces through use of durable, low maintenance surface materials such as pavers, bricks, or scored or dyed concrete.
- e. Walkways within a site with multiple structures shall be located and aligned to directly and continuously connect all commercial buildings, and shall not be located and aligned solely based on the outline of a parking lot configuration. Walkways within parking lots shall be raised or enhanced with a paved surface not less than six (6) feet in width. Drive aisles leading to main entrances shall have walkways on each side of the drive aisle.
- f. Where it is necessary for the primary pedestrian access to cross drive aisles or other internal roadways, the pedestrian crossing shall emphasize and place priority on pedestrian access and safety. The material and layout of the pedestrian access shall be continuous as it crosses the driveway, with a break in continuity of the driveway paving and not in the pedestrian access way. The pedestrian crossings must be well-marked using pavement treatments, signs, striping, signals, lighting, traffic calming techniques, median refuge areas, or other design elements as may be approved.

APPLICANT'S RESPONSE: The previously submitted Civil Engineering Plans have been revised to include an additional 3' of sidewalk width to comply with the Pedestrian Walkway Requirements of this chapter.

FINDING: SATISFIED WITH CONDITIONS. The applicant shall submit a revised plan demonstrating the pedestrian access from Booth Bend Road is 6-feet wide, provides a continuous accessible path from the sidewalk on Booth Bend Road to the customer entrance, and provides a concrete surface or similar materials where it crosses the drive-through exit lane as required by this Subsection.

3. Parking.

Parking spaces shall be provided at no more than 120 percent of the minimum required by Chapter 17.60 (Off-Street Parking and Loading). Additionally, all parking areas shall be designed in a manner that is attractive, easy to maintain, and minimizes the visual impact of off-street parking. Bicycle parking accommodations shall be provided as required by Chapter 17.60.140 (Off-Street Parking and Loading) of the McMinnville Zoning Ordinance.

APPLICANT'S RESPONSE: The proposed development complies with the Parking Requirements of the LFCDS regarding parking count (no more than 120% minimum requirement). In addition parking lot and perimeter landscaping is provided in an attractive manner

FINDING: SATISFIED WITH CONDITIONS. Vehicular parking meets the requirement of this Subsection. As a condition of approval, the applicant shall submit a revised site plan showing 2 bicycle parking spaces as required by Chapter 17.60. (Bicycle parking shall be provided at a rate of 10% of vehicular spaces provided).

4. Parking Lot Landscaping.

- a. All parking facilities shall include landscaping to equal not less than ten percent (10%) of the gross site area supporting the proposed commercial development; exclusive of building footprint(s).
- b. Landscaped peninsulas and islands shall be evenly distributed throughout all parking areas, and separated by no more than 60 feet, one from another. Such landscaped areas shall be provided with raised curbs, be a minimum of five feet in width, and shall each contain at least one deciduous tree. To achieve the maximum canopy coverage, all trees shall be non columnar in form or as may be approved by the Landscape Review Committee.

APPLICANT'S RESPONSE: The previously submitted Civil Engineering Plans have been revised to include landscaped peninsulas as required within the LFCDS. The off-street parking now complies with the LFCDS.

FINDING: SATISFIED WITH CONDITIONS. The landscape plan demonstrates compliance with this requirement. The revised site plan and landscape plan required as a condition of approval to address other standards shall remain in compliance with this standard.

5. Dark Skies Lighting.

Exterior lighting often creates a substantial amount of unintended sky-directed glare (sky glow). "Dark skies" lighting aims to protect the night sky from light pollution by use of partially and fully shielded lighting, and by more careful selection of lighting options for the application. These efforts help to ensure that the majority of the light reaches its intended target and reduces both vertical and lateral glare. Additionally, as energy prices increase, the city encourages the use of more efficient lighting.

Standard: Lighting of parking and landscaped areas shall be directed either into or on the site and away from property lines. Building accent lighting shall be directed and/ or shielded to place light on the intended target, and not result in skyward glare.

APPLICANT'S RESPONSE: A final photometrics plan will be submitted as part of final design for the City's review and approval and all parking lot lighting will be direct toward the site interior and away from property lines, to comply with the City's LFCDS.

FINDING: SATISFIED WITH CONDITIONS. The applicant shall submit a lighting plan that demonstrates compliance with this requirement. Freestanding lighting shall have cut-off shielding to prevent glare off-site except on adjacent pedestrian facilities. Illumination levels shall meet but not exceed required level of illumination. Wall-mounted lighting shall not shine out onto the parking lot without use of cut-off shielding that prevents glare onto the adjacent roadways.

17.56.060 Energy Efficiency. Locally and nationally, energy costs have continued to rise as has the desire to lessen the volume and severity of pollutants released into the environment. McMinnville supports the vision of local sustainability and endorses the utilization of proven and innovative energy efficient design and construction technologies to reduce building heat-gain, lower energy consumption and lessen pollutant output such as:

- A. Energy-efficient windows
- B. LEED level construction
- C. White reflective cool-roof technology to reduce heat absorption

D. Use of other energy-efficient technologies as approved through the review process outlined in this chapter.

APPLICANT'S RESPONSE: To comply with the suggested energy efficiency measures listed in the LFCDS, the roof is proposed to be painted white, and the windows will be Low-E, so they are energy efficient.

FINDING: SATISFIED. The applicant's proposed addresses this standard.

Landscape Plan (L 6-22)

17.57.050(C)

The landscaping plan shall be approved if it is found to be compatible with the purpose, intent, and requirements of this chapter.

17.57.010. Purpose and intent. The purpose and intent of this Chapter is to encourage and, where appropriate, require the use of landscape elements, particularly plant materials, in proposed developments in an organized and harmonious manner that will enhance, protect and promote the economic, ecological and aesthetic environment of McMinnville. Landscaping is considered by McMinnville to be an integral part of a complete comprehensive development plan. The City recognizes the value of landscaping in achieving the following objectives:

- A. Provide guidelines and standards that will:
 - 1. Reduce soil erosion and the volume and rate of discharge of storm water runoff.
 - 2. Aid in energy conservation by shading structures from energy losses caused by weather and wind.
 - 3. Mitigate the loss of natural resources.
 - 4. Provide parking lot landscaping to reduce the harmful effects of heat, noise and glare associated with motor vehicle use.
 - 5. Create safe, attractively landscaped areas adjacent to public streets.
 - 6. Require the planting of street trees along the City's rights-of-way.
 - 7. Provide visual screens and buffers that mitigate the impact of conflicting land uses to preserve the appearance, character and value of existing neighborhoods.
 - 8. Provide shade, and seasonal color.
 - 9. Reduce glare, noise and heat.
- B. Promote compatibility between land uses by reducing the visual noise and lighting impacts of specific developments on users of the site and abutting properties.
- C. Unify development and enhance and define public and private places.
- D. Preserve existing mature trees.
- E. Enhance the urban forest and tree canopy.
- F. Encourage the use of plants native to the Willamette Valley to the maximum extent feasible, in order to reduce watering requirements and agricultural chemical applications, and to provide a sense of regional identity with plant communities unique to the area.
- G. Establish and enhance a pleasant visual character and structure to the built environment that is sensitive to safety and aesthetic issues.
- H. Support McMinnville as a community that cares about its appearance.

It is further recognized that landscaping increases property values, attracts potential residents and businesses to McMinnville, and creates safer, more pleasant living and working environments for all residents and visitors to the city.

The guidelines and standards contained in this chapter serve to help McMinnville realize the objectives noted above. These guidelines and standards are intended as minimum standards for landscape treatment. Owners and developers are encouraged to exceed these in seeking more creative solutions both for the enhanced value of their land and for the collective health and enjoyment of all citizens of McMinnville. The landscaping provisions in Section 17.57.070 are in addition to all other provisions of the zoning ordinance which relate to property boundaries, dimensions, setback, vehicle access points, parking provisions and traffic patterns. The landscaping objectives shall also seek to accomplish the purposes set forth in Section 17.03.020. (Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

APPLICANT'S RESPONSE: No response.

FINDING: SATISFIED. The proposed landscape plan demonstrates compliance with the purpose and intent of 17.57.010. There are no existing trees on site to be preserved.

17.57.070 Area Determination—Planning factors.

- A. Landscaping shall be accomplished within the following ranges:
 - 1. ..
 - 2. Commercial, at least seven percent of the gross area. This may be reduced to not less than five percent upon approval of the review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)

APPLICANT'S RESPONSE: N/A.

FINDING: SATISFIED. The landscape plan shows almost 50% of the site in landscaping. This meets the 7% commercial requirement, the 10% large format commercial requirement, and the Planned Development requirement or 15% of the total PD site as it applies to this property.

<u>17.57.070</u> Area Determination—Planning factors.

- B. The following factors shall be considered by the applicant when planning the landscaping in order to accomplish the purpose set out in Section 17.57.010. The Landscape Review Committee shall have the authority to deny an application for failure to comply with any or all of these conditions:
 - 1. Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.
 - Screening the proposed use by sight-obscuring, evergreen plantings, shade trees, fences, or combinations of plantings and screens.
 - 3. The retention of existing trees and natural areas that may be incorporated in the development of the project. The existing grade should be preserved to the maximum practical degree. Existing trees shall be provided with a watering area equal to at least one-half the crown area.
 - 4. The development and use of islands and plantings therein to break up parking areas.
 - 5. The use of suitable street trees in the development of new subdivisions, shopping centers and like developments. Certain trees shall be prohibited in parking areas: poplar, willow, fruit, nut, birch, conifer, and ailanthus.
 - Suitable watering facilities or irrigation systems must be included in or near all planted areas;

APPLICANT'S RESPONSE: The Landscape Plan has been revised to include irrigation scope, specifically to include the City's Standard Street Tree Detail.

FINDING: SATISFIED WITH CONDITIONS. The proposed landscape plan includes on-site landscaping and street trees. The street trees are selected from the approved street tree list, and the landscaping and trees are compatible with surrounding landscaping on the adjacent properties.

The landscape plan includes hedge/shrub screening of on-site vehicular areas such as the drivethrough and perimeter of the parking lot. A condition of approval requires a minor adjustment to the location of the trash enclosure to allow screening on three sides.

There are no existing trees to be preserved on the site.

The proposed landscape plan includes landscape islands to break up parking areas. There are no more than five continuous parking spaces without a landscape island and no more than 60 feet between landscape islands per the Large Format Commercial standards.

Trees have been selected from the street tree list, and interior trees on the property are suitable species.

An automatic irrigation system is proposed.

17.57.070 Area Determination—Planning factors.

C. All landscaping approved through the Landscape Review Committee shall be continually maintained, including necessary watering, weeding, pruning, mowing, and replacement. Minor changes in the landscape plan, such as like-for-like replacement of plants, shall be allowed, as long as they do not alter the character and aesthetics of the original plan. It shall be the Planning Director's decision as to what constitutes a major or minor change. Major changes to the landscape plan shall be reviewed and approved by the Landscape Review Committee. (Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

APPLICANT'S RESPONSE:

FINDING: SATISFIED WITH CONDITIONS. A condition of approval is included to ensure compliance with this requirement.

17.61.030 Guidelines and Standards (Trash Enclosure)

- A. Any trash or recycling enclosure which is visible from the street must provide landscaping around three (3) sides of the structure. Climbing vines and screening shrubs or hedges are appropriate and landscaping must be a minimum of three-feet (3) in height at the time of planting.
- C. Generally, the design of the structure should match the exterior surface of the building and can be constructed of masonry, wood or concrete blocks in combination with plant material capable of forming a complete evergreen hedge. The floor of the enclosure shall be a concrete holding pad which must extend eight-feet (8) beyond the gates.
- G. Parking is prohibited in front of the enclosure and all parked vehicles must be located at a safe distance. A "No Parking" sign must be visibly placed on the gates of the enclosure.

APPLICANT'S RESPONSE: N/A

FINDING: SATISFIED WITH CONDITIONS. As a condition of approval, the applicant shall submit a revised site plan and information demonstrating compliance with these excerpted standards (as referenced and conditioned in the Large Format Commercial Review criteria and standards above).

Partition MP (1-22)

Approval of Streets and Ways

17.53.100. Creation of Streets 17.53.101. Streets 17.53.103. Blocks 17.53.105. Lots 17.53.110. Lot Grading

Improvements

17.53.150. Improvement Procedures 17.53.153. Improvement Requirements

APPLICANT'S RESPONSE: N/A

FINDING: SATISFIED WITH CONDITIONS. No new streets are proposed. The proposal substantially retains the same internal circulation plan. The proposed PD amendment would authorize the partition with an additional parcel sharing the existing private driveway. Frontage improvements are existing, other than street trees.

Conditions of approval are included to address the requirements for the utility plan, access, easements, and maintenance agreements.

Comprehensive Plan Volume II:

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request.

The implementation of many of the goals, policies, and proposals as they apply to quasi-judicial land use applications are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, polices, and proposals as they apply certain applications, and are not addressed below.

The following findings are made relating to specific Goals and Policies:

CHAPTER X: CITIZEN INVOLVEMENT AND PLAN AMENDMENT

GOAL X.1. TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF MCMINNVILLE.

Policies

188.00 The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning

Ordinance No. 5122

Effective Date: September 22, 2022 (30 days after council date)

requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.

APPLICANT'S RESPONSE: N/A

FINDING: SATISFIED. The proposal includes a proposed amendment to a Planned Development and master plan, which requires a Planning Commission recommendation and City Council decision. The Zoning Ordinance provides for a concurrent consolidated review process when there are multiple applications associated with a development proposal, using the procedure that provides the greatest opportunity for public involvement.

In addition, the procedures require the applicant to conduct a neighborhood meeting prior to submitting the application. The applicant conducted the required neighborhood meeting and provided the required documentation with the application.

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ATTACHMENT 2 TO DECISION DOCUMENT

ORDINANCE NO. <u>4688</u>

An Ordinance rezoning certain property from a County N-C (Neighborhood Commercial) zone to a City C-3 PD (General Commercial Planned Development) zone to permit the development of a commercial shopping complex on 21.26 acres of land located north of Oregon State Highway 18 (Salmon River Highway), west of Oregon State Highway 99W, east of the Highway 18/99 Connector, and south of the Vineyard and Paragon motels.

RECITALS

The Planning Commission received an application (ZC 15-98) from Alan M. Roodhouse of Farallon Development Corporation dated September 15, 1998, requesting approval to rezone some 21.26 acres of land from a County N-C (Neighborhood Commercial) zone to a City C-3 PD (General Commercial Planned Development) zone to permit the development of a commercial shopping complex. The subject site is located north of Oregon State Highway 18 (Salmon River Highway), west of Oregon State Highway 99W, east of the Highway 18/99 Connector, and south of the Vineyard and Paragon motels, and is more specifically identified as Tax Lots 1500, 1800, 1801, and 1900, Section 29, T. 4 S., R. 4 W., W.M.

A public hearing was held on November 19, 1998, at 7:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on November 14, 1998, and written notice had been mailed to property owners within 300 feet of the affected property; and

At said public hearing, testimony was received, the application materials and a staff report were presented; and

The Planning Commission, being fully informed about said request, found that said change conformed to the zone change review criteria listed in Chapter 17.72.035 of Ordinance No. 3380 based on the material submitted by the applicant and findings of fact and the conclusionary findings for approval contained in the staff report, all of which are on file in the Planning Department, and that the zone change is consistent with the Comprehensive Plan; and

The Planning Commission approved said zone change and has recommended said change to the Council; now, therefore,

THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That the Council adopts the findings and conclusions of the Planning Commission, staff report on file in the Planning Department, and the application filed by Farallon Development Corporation.

- Section 2. That the property described in Exhibit "A", which is attached hereto and incorporated herein by this reference is hereby rezoned from a County N-C (Neighborhood Commercial) zone to a City C-3 PD (General Commercial Planned Development) zone subject to the following conditions:
- That detailed plans for the proposed commercial development showing site layout, proposed circulation pattern, signage, building elevations. landscaping, parking, and lighting must be submitted to and approved by the Community Development Department prior to the issuance of any building permits for said development. Approval or denial of such plans shall be based on findings that, to the extent possible, the building and site design employs principles that will ensure compatibility with adjacent development, and provide an architectural style appropriate to a "gateway" or entrance to the City of McMinnville. In addition, approval or denial of the exterior building design shall be based on a finding that, to the extent possible, the building design incorporates design and architectural features that would serve to break up the building's horizontal plan and provide visual interest. This may include, but is not limited to, the use of vertical columns, gables, variety of compatible and complimentary building materials, providing openings in the building facade, and landscaping at the building perimeter. Submitted plans should include detail as regard building colors and materials (provide texture and visual relief), building height, planting design, window treatment, vertical and horizontal articulation, massing, voids to solids relationships, and other elements appropriate to ensure that the building and site design complies with the objectives and requirements of this planned development approval. The applicant may appeal the decision of the Community Development Department to the Planning Commission if notice of intent to appeal is filed in the Planning Department office within fifteen (15) days of the Community Development Department's decision.
- That landscape plans for the commercial site shall be submitted to the McMinnville Landscape Review Committee for review and approval prior to issuance of permits for any of the commercial buildings. At a minimum, 15 percent of the site shall be landscaped with emphasis placed along all street frontages, at major entrances to the commercial complex, within off-street parking lots, and at building perimeters. Final site and landscape plans should incorporate extensive streetside landscaping areas which facilitate meandering sidewalk(s) and street tree planting along both highway frontages (Highway 99W and the Highway 99W/Highway 18 Connector). A continuous evergreen screen shall be planted along the southern boundary of the site.

- 3. That signs located on the commercially zoned land shall be subject to review by the Planning Department as to their location and design, and to the following limitations:
 - a. That site signage located on the Highway 99W frontage is limited to a single monument sign a maximum of six (6) feet in height and fifteen (15) feet in width, situated at the major entrance as may be approved by ODOT. Site signage located on the Highway 99/18 Connector frontage shall be limited to a single pole-mount sign no more than twenty (20) feet in height and twelve (12) feet in width, situated at the major entrance as may be approved by ODOT. Monument signs shall be non-illuminated, indirectly illuminated, neon, or may have individually back-lit letters, providing that no plastic or plexi-glass type cabinet or faces be allowed. In addition, no signs, including wall-mount, shall be allowed on the southern facade of those buildings adjacent to Highway 18, and no roof-mount signs of any type shall be permitted within the subject site.
 - b. That an easement for maintenance, access and placement be granted to the City of McMinnville sufficient to accommodate a "Welcome to McMinnville" sign at the far southwest corner of the subject site.
 - c. All other signs, with the exception of incidental directional signage, must be flush against the buildings and not protrude more than twelve inches from the building face. There is no limit on the number or size of signs attached to the building faces.
- 4. That the submitted master plan and development plans, as approved by the Community Development Department, shall be placed on file with the Planning Department and become a part of the zone and binding on the owner and developer. The developer is responsible for requesting permission of the Planning Commission for any major change of the details of the adopted plans. Minor changes to the details of the adopted plans may be approved by the City Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by him may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.
- That the applicant obtain required access permits from the Oregon
 Department of Transportation for use of the existing or proposed access
 drives prior to issuance of any development permits for the site.

- That the State Highway 99W, State Highway 18, and the Highway 18/99W
 Connector frontages adjacent to the subject site shall be improved by the
 applicant to standards as required by the Oregon Department of
 Transportation (ODOT).
- 7. That the developer enter into a construction permit agreement with the City Engineering Department for all public improvements and gain a fill and grading permit for lot fill and grading from the City Building Division.
- That the applicant provide utility and access easements across the subject site as required. Costs associated with the provision of the required utilities shall be borne by the developer.
- 9. That the applicant submit to the City Engineer and ODOT for review and approval a design for the Highway 99W and Highway 18/99W Connector intersections and associated improvements. All costs associated with the construction of all site accesses, to include the signalization of both intersections, and other improvements as stipulated in existing agreements between the applicant and City and ODOT, and as may be additionally required by the City and ODOT, shall be borne by the applicant. All required improvements and right-of-way dedications shall be completed prior to occupancy of any buildings within the subject site.
- 10. That 10-foot utility easements be provided along both sides of all rights-of-way. Additional utility easements as required by the Water and Light Department for transformer and vault locations and for the servicing with utilities shall also be provided.
- 11. That storm water drainage plans shall be submitted to the Community Development Department and ODOT for review and approval. All required improvements shall be installed prior to issuance of occupancy permits.
- 12. That fire hydrants as required by the Uniform Fire Code shall be installed by the applicant.
- 13. That within the commercially zoned land, all business, storage, or displays shall be conducted wholly within an enclosed building except for off-street parking and loading. Incidental exterior display and outdoor dining areas may be allowed if incorporated into future building design, are operated by the owner of a business located on the subject site, and are approved for such use by the Planning Director. Temporary seasonal activities, such as Christmas tree sales and fireworks sales, shall be permitted.

- 14. That utilities shall be extended to the property boundaries by the applicant, as may be required by the City Engineer or McMinnville Water and Light.
- 15. That the conceptual land use plan submitted by the applicant as part of this land use request shall in no way be binding on the City, particularly as regard proposed vehicular access.
- 16. That off-street parking at the rate of four and one-half (4.5) spaces per 1,000 square feet of gross floor area may be permitted provided a minimum of fifteen percent (15%) of the subject site be landscaped as approved by the McMinnville Landscape Review Committee.

Passed by the Council this $\underline{26th}$ day of January 1999, by the following votes:

Ayes: ,	Aleman,	Hughes,	Kirchner,	Payne,	Rabe,	Windle
Nays:						

Approved this 26th day of January 1999.

RECORDER

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Attest:

ORDINANCE NO. 4688

5

