

ORDINANCE NO. 5140

AN ORDINANCE AMENDING ORDINANCE NO. 5086 AND APPROVING A MASTER PLAN FOR TAX LOT R4418 00100 AT THE NORTHEAST QUADRANT OF THE INTERSECTION OF NW HILL ROAD AND NEW BAKER CREEK ROAD

RECITALS:

WHEREAS, Ordinance No. 5086 was adopted by the McMinnville City Council on March 24, 2020 to support a mixed-use commercial and residential development on Tax Lot R4418 00100 to provide neighborhood serving commercial services to the surrounding neighborhoods and multifamily development; and

WHEREAS, Ordinance No. 5086 included a list of conditions that provided a regulatory framework for the development on the site including allowed uses, design and development standards; and

WHEREAS, Ordinance No. 5086 required the developer to submit a site plan for approval to the Planning Commission that met the conditions of Ordinance No. 5086; and

WHEREAS, the Planning Department received an application from Baker Creek LLC 2, requesting amendments to the design and development standards in Ordinance No. 5086 that restricted the number of multifamily units to 120 units, height of any structure to two stories, and that any structure over 35 feet would need to step back at 35' from the horizontal plane; and

WHEREAS, the applicant proposed developing 144 units to respond to McMinnville's need for more multifamily units, without impacting neighborhood compatibility by requesting the ability to build structures with three stories and varying roofline heights up to 45', which is just 10' more than the adjacent residential zones and 15' less than the 60' allowed in the underlying C3 zone designated on the property; and .

WHEREAS, the Planning Commission considered the request and hosted a public hearing on September 7, 2023, voting at the end of the public hearing to recommend approval for the planned development amendments requested by the applicant to the City Council and to approve the master plan contingent upon the approval of the planned development amendment; and

WHEREAS, after reviewing the public record and the Planning Commission's findings on October 10, 2023;

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

1. That the Council adopts the Findings of Fact, Conclusionary Findings, and Decision as documented in Exhibit A and recommended by the Planning Commission; and

2. That Ordinance No. 5086 is hereby amended as follows (text to be removed is shown with ~~strikeout~~, text to be added is **bold and underlined**):
 1. That Ordinance 4633 is repealed in its entirety.
 2. That up to ~~420~~ **144** multiple family dwelling units **plus 9 ground floor work-live units in the commercial mixed-use area** are allowed within the Planned Development Overlay District, but only if the multiple family units are integrated with neighborhood commercial uses. "Integrated" means that uses are within a comfortable walking distance and are connected to each other with direct, convenient and attractive sidewalks and/or pathways. This integration of multiple family units and neighborhood commercial uses shall either be within a mixed use building or in a development plan that integrates the uses between buildings in a manner found acceptable to the Planning Commission.
 3. For the purposes of this Planned Development Overlay District, allowed neighborhood commercial uses are defined as those that are permitted in the C-1 (Neighborhood Business) zone in Section 17.27.010 of the MMC. In addition, "Restaurant" shall be permitted as a neighborhood commercial use in this Planned Development Overlay District. No retail uses should exceed 10,000 square feet in size, except for grocery stores. The applicant may request any other use to be considered permitted within the Planned Development Overlay District at the time of the submittal of detailed development plans for the site.
 4. That stand-alone drive-through facilities shall be prohibited within the Planned Development Overlay District.
 5. Detailed development plans showing elevations, site layout, signing, landscaping, parking, and lighting must be submitted to and approved by the Planning Commission before actual development may take place. The provisions of Chapter 17.51 of the McMinnville Zoning Ordinance may be used to place conditions on any development and to determine whether or not specific uses are permissible. The detailed development plans shall identify the site design components listed below. The applicant may propose alternative design components when detailed development plans are submitted for review. The Planning Commission may review and approve these alternative design components if they are found to be consistent with the intent of the required site design components listed below.
 - a. That the future commercial development of the site is designed with shared access points and shared internal circulation. Parking and vehicle drives shall be located away from building entrances, and not between a building entrance and the street, except as may be allowed when a direct pedestrian connection is provided from the sidewalk to the building entrance.
 - b. Parking shall be oriented behind the buildings or on the sides. Surface parking shall not exceed 110% of the minimum parking requirements for the subject land uses. Shared parking is encouraged. The applicant may request a reduction to or waiver of parking standards based on a parking impact study. The study

allows the applicant to propose a reduced parking standard based on estimated peak use, reductions due to easy pedestrian accessibility; and a significant bicycle corral that is connected to the BPA bicycle/pedestrian trail. Parking lot landscaping will meet or exceed city standards.

- c. Buildings shall be oriented towards the surrounding right-of-ways and must have at least one primary entrance directly fronting a public right-of-way. Building facades shall be designed to be human scale, for aesthetic appeal, pedestrian comfort, and compatibility with the design character of the surrounding neighborhoods. Special attention should be paid to roof forms, rhythm of windows and doors, and general relationship of buildings to public spaces such as streets, plazas, the public parks and the adjacent neighborhood. No building shall exceed a height of ~~two~~ **three** stories without a variance. If any building is proposed to exceed ~~35~~ **40** feet, the building shall be designed with a step back in the building wall above ~~35~~ **40** feet to reduce the visual impact of the height of the building, **except buildings with a pitched roof, and two buildings with architectural towers may have a maximum height of 45 feet without a step back in the building for those towers.**
- d. Pedestrian connections shall be provided between surrounding sidewalks and right-of-ways. The plans shall also identify how the development provides pedestrian connections to adjacent residential development and the BPA Bike/Pedestrian Trail system located adjacent and to the east of the site.
- e. The commercial development shall maximize connectivity with the BPA Bike/Pedestrian Trail and the other adjacent public parks but minimize bicycle and pedestrian conflicts within the site.
- f. Sidewalks and/or plazas will be provided with weather protection (e.g. awnings/canopies). Appropriate pedestrian amenities such as space for outdoor seating, trash cans, sidewalk displays, outdoor café seating and public art will also be provided.
- g. That landscape plans **including street tree plans** be submitted to and approved by the McMinnville Landscape Review Committee. A minimum of 14 percent of the site must be landscaped with emphasis placed at the street frontage. All public right-of-ways adjacent to the site will be improved with street tree planting as required by Chapter 17.58 of the MMC.
- h. The plan must provide a community gathering space that is easily accessible via pedestrian and bicycle access from all of the uses within the commercial development as well as the adjacent BPA Bike/Pedestrian Trail. If multiple family dwelling units are developed on the site, a minimum of 10 percent of the site must be designated as usable open space. The usable open space will be in addition to the minimum 14 percent of the site that must be landscaped, and may be combined with the community gathering space required for the commercial uses. The usable open space shall be in a location of the site that is easily accessible from all buildings and uses, shall not be located in a remnant area of the site, and shall not be disconnected from buildings by parking or driving areas.

- i. That signs located within the planned development site be subject to the following limitations:
 1. All signs, if illuminated, must be indirectly illuminated and nonflashing, and the light source may not be visible from any public right of way and may not shine up into the night sky;
 2. No individual sign exceeding thirty-six (36) square feet in size shall be allowed.
 3. Internally illuminated, signs on roofs, chimney and balconies, and off-site signage are prohibited.
 4. Each building may have a maximum of two signs to identify the name and street address of the building. These signs must be integral to the architecture and building design and convey a sense of permanence. Typically these sign are secondary or tertiary building elements as seen on historic urban buildings. Maximum sign area shall be no more than 6 square feet. Maximum sign height shall be 18 feet above the sidewalk to the top of the sign.
 5. Each building may have one directory sign immediately adjacent to a front/main or rear entry to the building. A directory sign is allowed at each entry to a common space that provides access to multiple tenants. Directory signs shall be limited to 12 square feet in area and their design shall integrate with the color and materials of the building.
 6. One freestanding monument sign shall be permitted within 20 feet of each driveway access to a public right-of-way. The maximum sign area shall be 24 square feet. Monument signs must be positioned to meet the City's clear vision standards. The maximum height from the ground of the monument sign shall be 6 feet.
 7. Each building may have a total of two signs per tenant identifying the leased/occupied space. These signs must be located on the façade containing the primary entry or façade immediately adjacent to the primary entry to the tenant's space. In all cases these signs must be on a wall attached to the space occupied by the tenant. Tenants may select from the following sign types: Awning, Project/Blade or Wall.
 - A. Awning Sign
 - i. Maximum sign area shall be 6 square feet on the main awning face or 3 square feet of the awning valance.
 - ii. Lettering may appear but shall not dominate sloped or curved portions, and lettering and signboard may be integrated along the valance or fascia, or free-standing letters mounted on top of and extending above the awning fascia.
 - iii. Lettering and signboard may be integrated along the valance or awning fascia.
 - B. Projecting and Blade Sign
 - i. Maximum sign area shall be 4 square feet (per side).

- ii. The sign must be located with the lower edge of the signboard no closer than 8 feet to the sidewalk and the top of the sign no more 14 feet above the sidewalk.
- iii. For multi-story buildings, at the ground floor tenant space signage, the top signboard edge shall be no higher than the sill or bottom of the average second story window height.
- iv. Distance from building wall to signboard shall be a maximum of 6 inches.
- v. Maximum signboard width shall be 3 feet with no dimension to exceed 3'.
- vi. Occupants/tenants above the street level are prohibited from having projecting blade signage.

C. Wall Signs

- i. Maximum sign area shall be a maximum of 10 square feet. For small tenant spaces the ARC may limit sign size to less than 10 square feet.
 - ii. The sign shall be located on the tenant's portion of the building. Maximum sign height for multiple story buildings shall be 14 feet above the sidewalk to the top of the sign. The maximum sign height for single story buildings is 18 feet above the sidewalks to the top of the sign. The measurement is from the top of the sign to the lowest point on the sidewalk directly below the sign.
 - iii. Applied lettering may be substituted for wall signs. Lettering must fit within the size criteria above.
- j. Outside lighting must be directed away from residential areas and public streets.

6. No use of any retail commercial use shall normally occur between the hours of 1:00 a.m. and 5:00 a.m.
7. All business, service, repair, processing, storage, or merchandise displays shall be conducted wholly within an enclosed building except for the following:
 - a. Off-street parking and loading;
 - b. Temporary display and sales of merchandise, providing it is under cover of a projecting roof and does not interfere with pedestrian or automobile circulation;
 - c. Seating for food and beverage establishments; and
 - d. Food carts.
8. Prior to any future development of the site, a traffic impact analysis shall be provided. The traffic impact analysis shall include an analysis of the internal circulation system, the shared access points, and the traffic-carrying capacity of all adjacent streets and streets required to provide eventual access to Baker Creek Road. The traffic impact analysis shall

include an analysis of the intersection of Baker Creek Road and Michelbook Lane and the intersection of Baker Creek Road and Highway 99W, but shall not be limited to only those intersections.

9. The minimum commercial development shall be five acres. Five acres of this site must retain ground floor commercial uses, allowing multiple family development to occur on the remainder of the site and as part of a mixed-use development. The five acres of commercial development will be calculated based upon all of the development requirements associated with the commercial development including any standards related to the mixed-use residential development.
10. **The final approved Master Plan 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 will be responsible for requesting approval of the Planning Commission for any major change in the details of the adopted master plan. Minor changes to the details of the adopted plan may be approved by the City Community Development Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling of the Community Development Director 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.

11. **No sign shall be installed without first applying for applicable sign permits, building permits, and electrical permits. As part of the sign permit application review, signs will also be reviewed for consistency with Conditions in Subsection (5)(i) of Ordinance 5086.**
12. **The applicant shall address the requirements of the Engineering Department related to provision of public improvements and stormwater management.**
 - a. **The applicant will enter into a Construction Permit Agreement with the City's Engineering Department. Provide an Engineer's Estimate of the public improvements to the City as a requirement of the Construction Permit Agreement.**
 - b. **Any necessary Stormwater conveyance and or detention system will be designed per the City's Storm Drainage Master Plan. The applicant shall submit a stormwater report and design for the any necessary detention system consistent with Oregon drainage law to the City Engineer for review and approval.**
 - c. **Provide the City with an approved 1200C Permit from DEQ prior to construction activities.**

- d. ADA Sidewalk and Driveway Standards are now being applied to all new construction and remodels. These standards are intended to meet the most current ADA Standards as shown in the "PROWAG" Design Guidelines. Prior to final occupancy, the applicant shall construct new driveways and sidewalks in the right-of way that conform to these standards.
- e. Street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance/Complete Streets standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG). Additionally, corner curb ramps shall be constructed to meet PROWAG requirements.
- f. That the street improvements shall have the City's typical crown section.
- g. That prior to any construction activity, the applicant shall secure all required state and federal permits, including, if applicable, those related to the federal Endangered Species Act (if applicable), Federal Emergency Management Act, and those required by the Oregon Division of State Lands, and U.S. Army Corps of Engineers. Copies of the approved permits or evidence of lack of requirement shall be submitted to the City prior to construction plan approval.
- h. That the applicant submit evidence that all fill placed in the areas where building sites are expected is engineered. Evidence shall meet with the approval of the City Building Division and the City Engineering Division.
- i. A detailed, engineered sanitary sewage collection plan, which incorporates the requirements of the City's adopted Conveyance System Master Plan, must be submitted to and approved by the City Engineering Department.
- j. Provide any necessary recorded survey documents to the City Engineering Department.
- k. NW Baker Creek Rd is classified as a minor arterial and therefore is required to have 96' of right of way per the City's Transportation System Plan. Provide survey research to confirm there is 48' of right of way to the centerline along the Baker Creek Rd frontage of the applicant's property. If there is not 48' of right of way to the centerline along the Baker Creek Rd frontage then the applicant will dedicate the necessary 48' of right of way to the City free of charge.

I. The applicant shall dedicate any necessary public utility easements along the street frontage.

- 13. The plans shall comply with the vision clearance standards in Chapter 17.54 of the Zoning Ordinance.**
- 14. The applicant shall submit details of the proposed lighting to demonstrate the downcast/shielded nature of lighting such that it won't shine or cause glare facing streets or other properties.**
- 15. The applicant shall contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to any excavation to ensure that underground utilities are not damaged.**
- 16. This project will require an Extension Agreement between McMinnville Water & Light and the owner of the property. Please contact McMinnville Water & Light for details and for Design Application and Fees.**
- 17. The Landscape Review Committee shall consider mitigation of insect and disease components to minimize potential damage to adjacent agricultural uses.**

3. That the Site Plan/Master Plan is approved as presented.

4. This Ordinance will take effect 30 days after passage by the City Council.

Passed by the McMinnville City Council this 10th day of October, 2023 by the following votes:

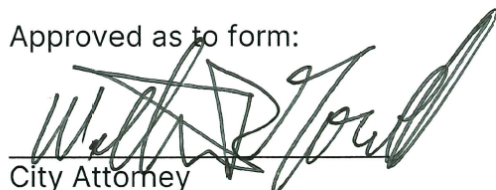
Ayes: _____ Chenoweth, Garvin, Geary, Menke, Payne

Nays: _____



MAYOR

Approved as to form:


City Attorney

Attest:


City Recorder

EXHIBITS:

A. Findings of Fact, Conclusionary Findings and Decision Document for PDA 3-23



DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A PLANNED DEVELOPMENT AMENDMENT FOR PROPERTY AT THE NE CORNER OF BAKER CREEK RD. AND HILL RD., (TAX LOT R4418 00100)

DOCKET: PDA 3-23 (Planned Development Amendment)

REQUEST: Application for a Planned Development Amendment (PDA 3-23)

The applicant, Baker Creek 2, LLC, c/o Mark DeLapp, is requesting review and approval of a Planned Development Amendment for a mixed-use development on a 6.63-acre property located at the NE corner of Baker Creek Road and Hill Road. The application includes a request to amend provisions of Planned Development Ordinance #5086 and to approve the proposed master plan for the property.

The proposed master plan includes four mixed-use buildings with two stories of residential use above ground floor commercial use, three 3-story buildings with multi-dwelling residential use, and on-site green space, plaza, and bicycle and pedestrian amenities. This includes 30,000 total square feet of commercial space and 144 total residences (72 above the ground-floor commercial in the four mixed-use buildings and 24 in each of the three-story residential buildings).

LOCATION: Address: NE Corner of Baker Creek Rd and Hill Rd
Map & Tax Lot: R4418 00100

ZONING: C-3 PD

APPLICANT: Baker Creek 2, LLC c/o Mark DeLapp

STAFF: Tom Schauer, Senior Planner

DATE DEEMED COMPLETE: August 11, 2023

DECISION MAKING

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

PUBLIC HEARING: September 7, 2023, at 6:30 pm, at Kent Taylor Civic Hall, 200 NE 2nd Street, McMinnville (in-person). The meeting was also available virtually on Zoom. Zoom Meeting ID = 848 0860 3865; Password = 166748

CITY COUNCIL

MEETING: September 21, 2023, at 6:30 pm, at Kent Taylor Civic Hall, 200 NE 2nd Street, McMinnville (in-person). The meeting was also available virtually on Zoom. Zoom Meeting ID = 848 0860 3865; Password = 166748

PROCEDURE: The application is reviewed in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the Zoning Ordinance.

CRITERIA: McMinnville Municipal Code (MMC) and Other Ordinance Sections: MMC 17.74.070 & Ord. 5086

Applicable Comprehensive Plan Goals and Policies are 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 District, 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 City Council finds the applicable criteria are satisfied with conditions and **APPROVES** the Planned Development Amendment (PDA 3-23) and associated Master Plan, **subject to the conditions of approval provided in Section II of this document.**

RECOMMENDATION: APPROVAL WITH CONDITIONS

City Council: _____
Remy Drabkin, Mayor

10/10/2023
Date: _____

Planning Department: _____
Heather Richards, Community Development Director

10/11/23
Date: _____

Attachments:

Attachment 1 - Application and Attachments; Attachment 2 – TIA Review Letter; Attachment 3 - Public Testimony

I. APPLICATION SUMMARY:

Subject Property & Request

The subject property is a vacant parcel of approximately 6.63 acres, located at the NE corner of Baker Creek Road and Hill Road. The property is zoned C-3 PD. ***See Figure 1 for Vicinity Map & Aerial Photo and Figure 2 for Zoning Map.***

The applicant, Baker Creek 2, LLC, c/o Mark DeLapp, is requesting review and approval of a Planned Development Amendment for a mixed-use development on a 6.63-acre property located at the NE corner of Baker Creek Road and Hill Road. The application includes a request to amend provisions of Planned Development Ordinance #5086 and to approve the proposed master plan for the property.

A Planned Development includes two parts:

- An ordinance that establishes special use and development standards, which may include greater flexibility for certain standards and/or and more specific or restrictive provisions than would otherwise apply.
- A specific master plan for the property that becomes part of the Planned Development applicable to the property and binding on the property.

Ordinance 5086. The property is zoned C-3 with a Planned Development Overlay (Ordinance #5086). The Planned Development Ordinance modifies the underlying C-3 zoning, applying special development standards to the property. Planned Development Overlays often provide greater flexibility regarding certain development standards than would otherwise be allowed by the underlying zone. However, in this case, the ordinance has conditions with standards which are more restrictive for this property than the provisions of the C-3 zone, including:

- More restrictive commercial use provisions than the C-3 zone,
- More restrictive height limits than the C-3 zone,
- Limitations on number of residential units, which doesn't apply in the C-3 zone, and
- Special site and architectural design and development standards

The applicant is requesting modifications to certain provisions of Ordinance 5086 to proceed with the proposed master plan. Each of the requested amendments would meet the requirements of the C-3 zone, but wouldn't meet certain more restrictive provisions of Ordinance 5086. These are summarized in the table below. Regarding all other special standards and provisions of Ordinance 5086, the applicant has provided plans and findings to demonstrate how the proposed master plan meets those requirements.

Please note that after the original application submittal, the applicant submitted an addendum to the original application with two changes: (1) revised elevations for the three residential buildings; and (2) slight modification to the request for building height over 35' without step backs to allow greater variety and interest of the parapet heights for the mixed-use buildings. This decision document reflects the application and request as updated per the addendum, including the updated drawings.

Attachments:

Attachment 1 - Application and Attachments; Attachment 2 – TIA Review Letter; Attachment 3 - Public Testimony

Provision/Issue	C-3 Zone	Ordinance 5086 Condition	Requested Amendment
Maximum Number of Stories	No restrictions specified (60' max building height)	Part of #5.c. Not to exceed 2 stories without a variance	To allow 3 stories
Height-Based Step-backs	No requirements specified,	Part of #5.c. Specifies step-backs for portions of buildings over 35' in height "to reduce the visual impact of the height of the building."	To allow some elements over 35' without step-backs, including buildings with pitched roofs and some features of other buildings which are setback from the road, up to a maximum of 45'. See Figure 5 and more detailed description below
Maximum Residential Units	No maximum specified; and no maximum density	#2. 120 units	To allow 144 units, (plus 9 live/work units as part of commercial square footage)

Regarding the requested amendment related to the requirement for height-based stepbacks, the three residential buildings are proposed to have pitched roofs with eave lines not exceeding 35 feet, so the sloping rooflines will achieve step-backs over 35 feet with the exception of the gable ends. The highest point of the tallest ridgelines would not exceed 45 feet. For the four mixed-use buildings, the applicant is proposing parapets of various heights to provide visual interest and variety. Proposed parapet heights are approximately 35-, 37-, 40-, and 45-feet in height. **See Figure 5 for elevations.** The predominant parapet heights are approximately 35 and 37 feet, The maximum 45-foot height is limited to the taller corner "tower" features of Buildings 1 and 2 which are setback from property lines. The applicant is requesting up to 40 feet for the predominant parapet heights to provide flexibility regarding final design and up to 45 feet only for the two tower features. **See Figure 4 for perspectives and Figure 5 for elevations.**

Alternative Design Components. In addition, there are certain site development standards specified in Ordinance 5086 regarding site design, including building orientation, parking location relative to buildings, etc. Condition #5 of Ordinance 5086 specifies that, "The applicant may propose alternative design components when detailed plans are submitted for review. The Planning Commission may review and approve these alternative design components if they are found to be consistent with the intent of the required design components listed below..." The applicant is requesting this option and, in part, proposing to achieve the intent with some alternative design components. This is discussed further as part of the **Master Plan** discussion below.

For all other special standards in Ordinance 5086, the applicant's proposed request is to meet those other requirements as addressed in the respective findings regarding the provisions of Ordinance 5086.

Also, the applicant would still need to submit a landscape plan application for review and approval by the Landscape Review Committee, submit any sign permit applications prior to any signs, which would also be reviewed for consistency with the sign provisions of Ordinance 5086, and submit a building permit application consistent with the Planned Development conditions of approval and master plan, and the residential design and development standards of Chapter 17.11 of the Zoning Ordinance.

Master Plan. The proposed master plan includes: four mixed use buildings with two stories of residential use above ground floor commercial use, three 3-story buildings with multi-dwelling residential use, and on-site green space, plaza, and bicycle and pedestrian amenities. This includes 30,000 total square feet of commercial space and 144 total residences (72 above the ground-floor commercial in the four mixed-use buildings and 24 in each of the three-story residential buildings). The 30,000 square feet of commercial includes 9 live/work units totaling approximately 6,147 square feet of the 30,000 square feet of commercial square footage.

Attachments:

Attachment 1 - Application and Attachments; Attachment 2 – TIA Review Letter; Attachment 3 - Public Testimony

The master plan relies on approval of the request for revised provisions of Ordinance 5086. In addition, Condition 5 of Ordinance 5086 specifies that the master plan must address certain site design requirements issues such as how buildings are to be oriented to streets, and where parking is to be located relative to buildings and streets. Regarding these items, Ordinance 5086 specifies that, “The applicant may propose alternative design components when detailed plans are submitted for review. The Planning Commission may review and approve these alternative design components if they are found to be consistent with the intent of the required design components listed below...”

The applicant has proposed alternative design components regarding these standards to address the intent. In summary, the site has three frontages, Baker Creek Road is a minor arterial which has access control limitations.

The provisions the applicant is addressing with alternative design components are intended to create an active, pedestrian-oriented street edge with pedestrian interest and activity. The conditions specify this is to be achieved by orienting buildings to the street, generally limiting off-street parking lots between the building and the street and sidewalk, and providing for building entrances to be oriented to the streets. While the site design provides for buildings to be directly oriented to two of the frontages – Baker Creek Road and Hill Road, due to Baker Creek Road’s minor arterial width, design, scale, speed limit and no on-street parking, and relationship to the other side of the street, etc. Baker Creek Road does not have the characteristics typical of a more traditional pedestrian-oriented shopping street.

There are numerous examples of developments with frontage on similar arterials throughout the country that comply with similar code provisions, but don’t truly achieve the intent – the architectural designs may be pedestrian scaled, but the site design often remains auto-oriented without truly providing a pedestrian-focused site design or experience.

The applicant has proposed to orient the southerly buildings and a plaza to Baker Creek Road and Hill Road consistent with the standards, and to also create what is essentially a new east-west private pedestrian-oriented street-like design on a portion of the site with distinguishing pavement treatments, traditional parallel parking, buildings facing on both sides with wider sidewalks and street trees, bump-outs and crosswalks, outdoor seating, and other pedestrian amenities, etc. The site is also designed so this portion of the site could be temporarily closed off to vehicular traffic while still allowing access to on-site circulation and parking on the rest of the site. Further, the applicant proposes to create a north-south pedestrian “paseo” in the middle of the site that aligns with and provides for pedestrian connectivity to the north, providing a pedestrian route to and through the site.

Because the on-site pedestrian street-like feature and its parallel parking are private, some aspects of the site design are considered to rely on “alternative design components” specified in Ordinance 5086. In addition, this is needed to address the site design relative to the relationship to the frontage to the north.

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Attachment 1 - Application and Attachments; Attachment 2 – TIA Review Letter; Attachment 3 - Public Testimony

Figure 3. Proposed Master Plan – Site Plan

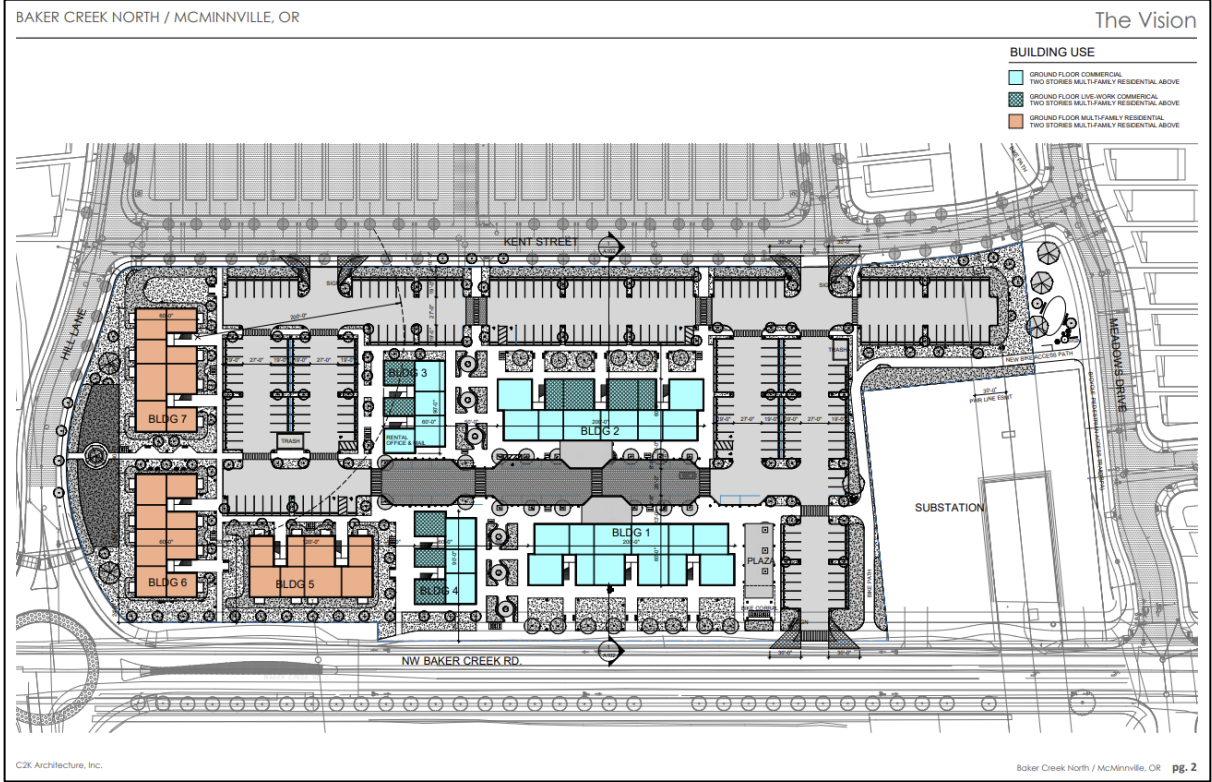
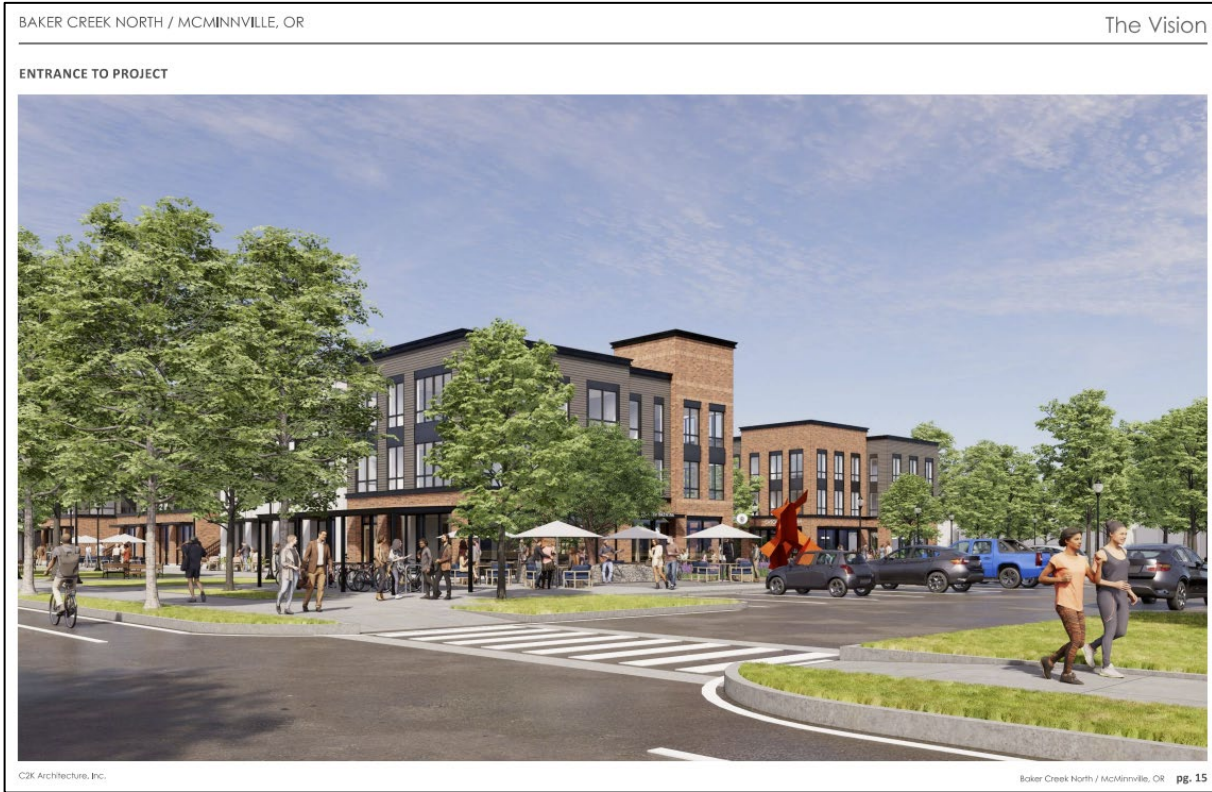


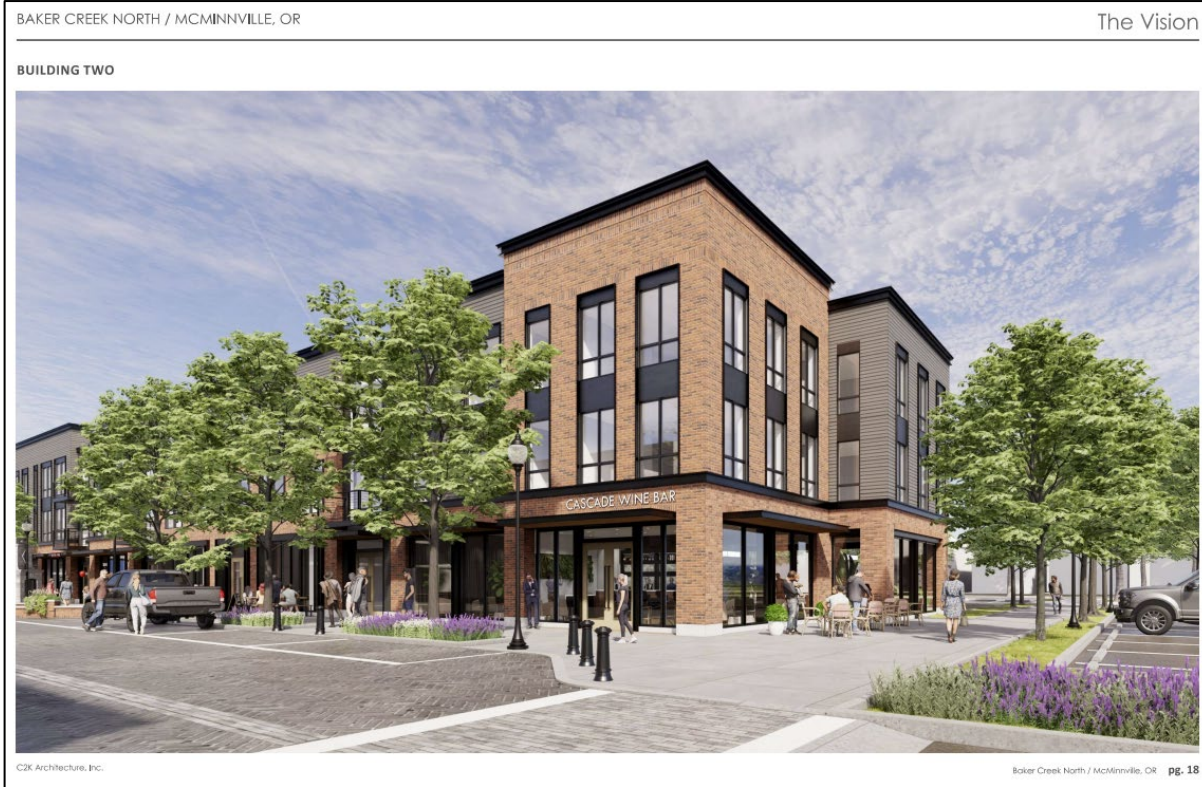
Figure 4 - Perspectives
Perspective View of Mixed-Use Buildings 1&2 and Plaza - Looking Northwest from Baker Creek Road



Perspective View of Mixed-Use Building 1 and Plaza – Looking Southwest from New Interior Street



Perspective View of Mixed-Use Building 2 – Looking Northeast from New Interior Street



Perspective View of Mixed-Use Building 4 - Looking Southwest from New Interior Street



Perspective View of Residential Building 5 - Looking Southwest from Site



Figure 5 – Select Elevations – Mixed-Use Building 1



Select Elevations – Residential Building #5



(See application for additional site plan diagrams, cross-sections, and perspective views).

Public Comments

Notice was mailed to surrounding property owners. Written comments received are listed in Section IV of this Decision Document and are attached.

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:

Planned Development Amendment PDA 3-23 is **approved subject to the following conditions:**

1. The conditions of approval of Ordinance 5086 are hereby amended as follows (text to be removed is shown with ~~strikeout~~, text to be added is **bold and underlined**):
 1. That Ordinance 4633 is repealed in its entirety.
 2. That up to ~~420~~ **144** multiple family dwelling units **plus 9 ground floor work-live units in the commercial mixed-use area** are allowed within the Planned Development Overlay District, but only if the multiple family units are integrated with neighborhood commercial uses. "Integrated" means that uses are within a comfortable walking distance and are connected to each other with direct, convenient and attractive sidewalks and/or pathways. This integration of multiple family units and neighborhood commercial uses shall either be within a mixed use building or in a development plan that integrates the uses between buildings in a manner found acceptable to the Planning Commission.
 3. For the purposes of this Planned Development Overlay District, allowed neighborhood commercial uses are defined as those that are permitted in the C-1 (Neighborhood Business) zone in Section 17.27.010 of the MMC. In addition, "Restaurant" shall be permitted as a neighborhood commercial use in this Planned Development Overlay District. No retail uses should exceed 10,000 square feet in size, except for grocery stores. The applicant may request any other use to be considered permitted within the Planned Development Overlay District at the time of the submittal of detailed development plans for the site.
 4. That stand-alone drive-through facilities shall be prohibited within the Planned Development Overlay District.
 5. Detailed development plans showing elevations, site layout, signing, landscaping, parking, and lighting must be submitted to and approved by the Planning Commission before actual development may take place. The provisions of Chapter 17.51 of the McMinnville Zoning Ordinance may be used to place conditions on any development and to determine whether or not specific uses are permissible. The detailed development plans shall identify the site design components listed below. The applicant may propose alternative design components when detailed development plans are submitted for review. The Planning Commission may review and approve these alternative design components if they are found to be consistent with the intent of the required site design components listed below.

Attachments:

Attachment 1 - Application and Attachments; Attachment 2 – TIA Review Letter; Attachment 3 - Public Testimony

- a. That the future commercial development of the site is designed with shared access points and shared internal circulation. Parking and vehicle drives shall be located away from building entrances, and not between a building entrance and the street, except as may be allowed when a direct pedestrian connection is provided from the sidewalk to the building entrance.
- b. Parking shall be oriented behind the buildings or on the sides. Surface parking shall not exceed 110% of the minimum parking requirements for the subject land uses. Shared parking is encouraged. The applicant may request a reduction to or waiver of parking standards based on a parking impact study. The study allows the applicant to propose a reduced parking standard based on estimated peak use, reductions due to easy pedestrian accessibility; and a significant bicycle corral that is connected to the BPA bicycle/pedestrian trail. Parking lot landscaping will meet or exceed city standards.
- c. Buildings shall be oriented towards the surrounding right-of-ways and must have at least one primary entrance directly fronting a public right-of-way. Building facades shall be designed to be human scale, for aesthetic appeal, pedestrian comfort, and compatibility with the design character of the surrounding neighborhoods. Special attention should be paid to roof forms, rhythm of windows and doors, and general relationship of buildings to public spaces such as streets, plazas, the public parks and the adjacent neighborhood. No building shall exceed a height of ~~two~~ **three** stories without a variance. If any building is proposed to exceed ~~35~~ **40** feet, the building shall be designed with a step back in the building wall above ~~35~~ **40** feet to reduce the visual impact of the height of the building, **except buildings with a pitched roof, and two buildings with architectural towers may have a maximum height of 45 feet without a step back in the building for those towers.**
- d. Pedestrian connections shall be provided between surrounding sidewalks and right-of-ways. The plans shall also identify how the development provides pedestrian connections to adjacent residential development and the BPA Bike/Pedestrian Trail system located adjacent and to the east of the site.
- e. The commercial development shall maximize connectivity with the BPA Bike/Pedestrian Trail and the other adjacent public parks but minimize bicycle and pedestrian conflicts within the site.
- f. Sidewalks and/or plazas will be provided with weather protection (e.g. awnings/canopies). Appropriate pedestrian amenities such as space for outdoor seating, trash cans, sidewalk displays, outdoor café seating and public art will also be provided.
- g. That landscape plans **including street tree plans** be submitted to and approved by the McMinnville Landscape Review Committee. A minimum of 14 percent of the site must be landscaped with emphasis placed at the street frontage. All public right-of-ways adjacent to the site will be improved with street tree planting as required by Chapter 17.58 of the MMC.
- h. The plan must provide a community gathering space that is easily accessible via pedestrian and bicycle access from all of the uses within the commercial development as well as the adjacent BPA Bike/Pedestrian Trail. If multiple family dwelling units are developed on the site, a minimum of 10 percent of the site must be designated as usable open space. The usable open space will be in addition to the minimum 14 percent of the site that must be landscaped, and may be combined with the community gathering space required for the commercial uses. The usable open space shall be in a location of the site that is easily accessible from all buildings and uses, shall not be located in a remnant area of the site, and shall not be disconnected from buildings by parking or driving areas.

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- i. That signs located within the planned development site be subject to the following limitations:
 1. All signs, if illuminated, must be indirectly illuminated and nonflashing, and the light source may not be visible from any public right of way and may not shine up into the night sky;
 2. No individual sign exceeding thirty-six (36) square feet in size shall be allowed.
 3. Internally illuminated, signs on roofs, chimney and balconies, and off-site signage are prohibited.
 4. Each building may have a maximum of two signs to identify the name and street address of the building. These signs must be integral to the architecture and building design and convey a sense of permanence. Typically these sign are secondary or tertiary building elements as seen on historic urban buildings. Maximum sign area shall be no more than 6 square feet. Maximum sign height shall be 18 feet above the sidewalk to the top of the sign.
 5. Each building may have one directory sign immediately adjacent to a front/main or rear entry to the building. A directory sign is allowed at each entry to a common space that provides access to multiple tenants. Directory signs shall be limited to 12 square feet in area and their design shall integrate with the color and materials of the building.
 6. One freestanding monument sign shall be permitted within 20 feet of each driveway access to a public right-of-way. The maximum sign area shall be 24 square feet. Monument signs must be positioned to meet the City's clear vision standards. The maximum height from the ground of the monument sign shall be 6 feet.
 7. Each building may have a total of two signs per tenant identifying the leased/occupied space. These signs must be located on the façade containing the primary entry or façade immediately adjacent to the primary entry to the tenant's space. In all cases these signs must be on a wall attached to the space occupied by the tenant. Tenants may select from the following sign types: Awning, Project/Blade or Wall.
 - A. Awning Sign
 - i. Maximum sign area shall be 6 square feet on the main awning face or 3 square feet of the awning valance.
 - ii. Lettering may appear but shall not dominate sloped or curved portions, and lettering and signboard may be integrated along the valance or fascia, or free-standing letters mounted on top of and extending above the awning fascia.
 - iii. Lettering and signboard may be integrated along the valance or awning fascia.
 - B. Projecting and Blade Sign
 - i. Maximum sign area shall be 4 square feet (per side).
 - ii. The sign must be located with the lower edge of the signboard no closer than 8 feet to the sidewalk and the top of the sign no more 14 feet above the sidewalk.
 - iii. For multi-story buildings, at the ground floor tenant space signage, the top signboard edge shall be no higher than the sill or bottom of the average second story window height.
 - iv. Distance from building wall to signboard shall be a maximum of 6 inches.

- v. Maximum signboard width shall be 3 feet with no dimension to exceed 3'.
 - vi. Occupants/tenants above the street level are prohibited from having projecting blade signage.
- C. Wall Signs
- i. Maximum sign area shall be a maximum of 10 square feet. For small tenant spaces the ARC may limit sign size to less than 10 square feet.
 - ii. The sign shall be located on the tenant's portion of the building. Maximum sign height for multiple story buildings shall be 14 feet above the sidewalk to the top of the sign. The maximum sign height for single story buildings is 18 feet above the sidewalks to the top of the sign. The measurement is from the top of the sign to the lowest point on the sidewalk directly below the sign.
 - iii. Applied lettering may be substituted for wall signs. Lettering must fit within the size criteria above.
- j. Outside lighting must be directed away from residential areas and public streets.
6. No use of any retail commercial use shall normally occur between the hours of 1:00 a.m. and 5:00 a.m.
 7. All business, service, repair, processing, storage, or merchandise displays shall be conducted wholly within an enclosed building except for the following:
 - a. Off-street parking and loading;
 - b. Temporary display and sales of merchandise, providing it is under cover of a projecting roof and does not interfere with pedestrian or automobile circulation;
 - c. Seating for food and beverage establishments; and
 - d. Food carts.
 8. Prior to any future development of the site, a traffic impact analysis shall be provided. The traffic impact analysis shall include an analysis of the internal circulation system, the shared access points, and the traffic-carrying capacity of all adjacent streets and streets required to provide eventual access to Baker Creek Road. The traffic impact analysis shall include an analysis of the intersection of Baker Creek Road and Michelbook Lane and the intersection of Baker Creek Road and Highway 99W, but shall not be limited to only those intersections.
 9. The minimum commercial development shall be five acres. Five acres of this site must retain ground floor commercial uses, allowing multiple family development to occur on the remainder of the site and as part of a mixed-use development. The five acres of commercial development will be calculated based upon all of the development requirements associated with the commercial development including any standards related to the mixed-use residential development.
 10. **The final approved Master Plan 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 will be responsible for requesting approval of the Planning Commission for any major change in the details of the adopted master plan. Minor changes to the details of the adopted plan may be approved by the City Community Development Director. It shall be the Planning Director's decision as

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to what constitutes a major or minor change. An appeal from a ruling of the Community Development Director 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.

11. No sign shall be installed without first applying for applicable sign permits, building permits, and electrical permits. As part of the sign permit application review, signs will also be reviewed for consistency with Conditions in Subsection (5)(i) of Ordinance 5086.
12. The applicant shall address the requirements of the Engineering Department related to provision of public improvements and stormwater management.
 - a. The applicant will enter into a Construction Permit Agreement with the City's Engineering Department. Provide an Engineer's Estimate of the public improvements to the City as a requirement of the Construction Permit Agreement.
 - b. Any necessary Stormwater conveyance and or detention system will be designed per the City's Storm Drainage Master Plan. The applicant shall submit a stormwater report and design for the any necessary detention system consistent with Oregon drainage law to the City Engineer for review and approval.
 - c. Provide the City with an approved 1200C Permit from DEQ prior to construction activities.
 - d. ADA Sidewalk and Driveway Standards are now being applied to all new construction and remodels. These standards are intended to meet the most current ADA Standards as shown in the "PROWAG" Design Guidelines. Prior to final occupancy, the applicant shall construct new driveways and sidewalks in the right-of way that conform to these standards.
 - e. Street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance/Complete Streets standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG). Additionally, corner curb ramps shall be constructed to meet PROWAG requirements.
 - f. That the street improvements shall have the City's typical crown section.
 - g. That prior to any construction activity, the applicant shall secure all required state and federal permits, including, if applicable, those related to the federal Endangered Species Act (if applicable), Federal Emergency Management Act, and those required by the Oregon Division of State Lands, and U.S. Army Corps of Engineers. Copies of the approved permits or evidence of lack of requirement shall be submitted to the City prior to construction plan approval.

- h. That the applicant submit evidence that all fill placed in the areas where building sites are expected is engineered. Evidence shall meet with the approval of the City Building Division and the City Engineering Division.
 - i. A detailed, engineered sanitary sewage collection plan, which incorporates the requirements of the City's adopted Conveyance System Master Plan, must be submitted to and approved by the City Engineering Department.
 - j. Provide any necessary recorded survey documents to the City Engineering Department.
 - k. NW Baker Creek Rd is classified as a minor arterial and therefore is required to have 96' of right of way per the City's Transportation System Plan. Provide survey research to confirm there is 48' of right of way to the centerline along the Baker Creek Rd frontage of the applicant's property. If there is not 48' of right of way to the centerline along the Baker Creek Rd frontage then the applicant will dedicate the necessary 48' of right of way to the City free of charge.
 - l. The applicant shall dedicate any necessary public utility easements along the street frontage.
- 13. The plans shall comply with the vision clearance standards in Chapter 17.54 of the Zoning Ordinance.
 - 14. The applicant shall submit details of the proposed lighting to demonstrate the downcast/shielded nature of lighting such that it won't shine or cause glare facing streets or other properties.
 - 15. The applicant shall contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to any excavation to ensure that underground utilities are not damaged.
 - 16. This project will require an Extension Agreement between McMinnville Water & Light and the owner of the property. Please contact McMinnville Water & Light for details and for Design Application and Fees.
 - 17. The Landscape Review Committee shall consider mitigation of insect and disease components to minimize potential damage to adjacent agricultural uses.

III. ATTACHMENTS:

- 1. PDA 2-23 Application and Attachments (on file with the Planning Department)
- 2. TIA Review Letter (on file with the Planning Department)
- 3. Written Public Comments Received

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

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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:

- **McMinnville Building Department**

No building code concerns at this time. All will need a permit prior to development.

- **McMinnville Engineering Department**

Suggested Conditions of Approval:

- The applicant will enter into a Construction Permit Agreement with the City's Engineering Department. Provide an Engineer's Estimate of the public improvements to the City as a requirement of the Construction Permit Agreement.
- Any necessary Stormwater conveyance and or detention system will be designed per the City's Storm Drainage Master Plan. The applicant shall submit a stormwater report and design for the any necessary detention system consistent with Oregon drainage law to the City Engineer for review and approval.
- Provide the City with an approved 1200C Permit from DEQ prior to construction activities.
- ADA Sidewalk and Driveway Standards are now being applied to all new construction and remodels. These standards are intended to meet the most current ADA Standards as shown in the "PROWAG" Design Guidelines. Prior to final occupancy, the applicant shall construct new driveways and sidewalks in the right-of way that conform to these standards.
- Street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG). Additionally, corner curb ramps shall be constructed to meet PROWAG requirements.
- That the street improvements shall have the City's typical crown section.
- That prior to any construction activity, the applicant shall secure all required state and federal permits, including, if applicable, those related to the federal Endangered Species Act (if applicable), Federal Emergency Management Act, and those required by the Oregon Division of State Lands, and U.S. Army Corps of Engineers. Copies of the approved permits or evidence of lack of requirement shall be submitted to the City prior to construction plan approval.
- That the applicant submit evidence that all fill placed in the areas where building sites are expected is engineered. Evidence shall meet with the approval of the City Building Division and the City Engineering Division.
- A detailed, engineered sanitary sewage collection plan, which incorporates the requirements of the City's adopted Conveyance System Master Plan, must be submitted to and approved by the City Engineering Department.
- Provide any necessary recorded survey documents to the City Engineering Department.

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- NW Baker Creek Rd is classified as a minor arterial and therefore is required to have 96' of right of way per the City's Transportation System Plan. Provide survey research to confirm there is 48' of right of way to the centerline along the Baker Creek Rd frontage of the applicant's property. If there is not 48' of right of way to the centerline along the Baker Creek Rd frontage then the applicant will dedicate the necessary 48' of right of way to the City free of charge.
- **McMinnville Water & Light**
Please contact McMinnville Water & Light for Design Application and Fees. This project will require an Extension Agreement between McMinnville Water & Light and the owner of the property. Please contact McMinnville Water & Light for details.
- **Oregon Department of State Lands**
For official comment, please check the project area on the SWI for mapped resources and submit a WLUN if there is overlap for official comment on behalf of the removal-fill program. Thanks for including Erin who will get this to the appropriate staff person if comment is needed on behalf of the real property and waterway program.

[Staff Note: No mapped resources are shown on the SWI].

Public Comments

Notice of the application and the September 7, 2023 public hearing was mailed to surrounding property owners. The following written comments were received.

1. August 22, 2023, e-mail from Eric Groves
2. September 4, 2023, Letter from Friends of Yamhill County

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The application was submitted on July 31, 2023.
2. The application was deemed complete on August 11, 2023.
3. On August 15, 2023, 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 District, 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.

4. On August 15, 2023, notice of the application and the September 7, 2023 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.
5. Notice of the application and the September 7, 2023 Planning Commission public hearing was published in the News Register on Friday, September 1, 2023, in accordance with Section 17.72.120 of the Zoning Ordinance.

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6. On September 7, 2023, the Planning Commission held a duly noticed public hearing to consider the application and voted to recommend approval to the McMinnville City Council.
7. On October 10, 2023, the City Council considered Ordinance No. 5140 and voted to approve it.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:**
 - a. Address: NE Corner of Baker Creek Road and Hill Road
 - b. Map & Tax Lot: R4418 00100
2. **Size:** Approximately 6.63 acres
3. **Comprehensive Plan Map Designation:** Commercial
4. **Zoning:** C-3 PD (General Commercial with Planned Development Overlay, Ordinance 5086)
5. **Other Overlay Zones/Special Districts/Area Plans:** N/A
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:** No public easements identified.
9. **Utilities:** Utilities are available to serve the property subject to requirements of the utility providers.
10. **Transportation:** The subject property has frontage on Baker Creek Road, Hill Road, and Kent Street.

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 of the McMinnville Municipal Code (The Zoning Ordinance) provide criteria applicable to the request:

Chapter 17.51. Planned Development Overlay

APPLICANT'S RESPONSE: The Applicant recognizes that this site has already been shown to meet the criteria for a planned development and has been granted approval for a planned development overlay. With the modifications proposed it would continue to meet these planned development criteria.

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FINDING: The property is subject to a Planned Development Overlay (Ordinance 5086). The request is for a Planned Development Amendment. The criteria for a Planned Development Amendment are provided in Section 17.64.070, addressed below.

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.*

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...

APPLICANT'S RESPONSE: The request is a Planned Development Amendment because it requests modification to Condition of Approval #2 to approve an increase in density including the number of housing units. There is no change in the amount of land, nor amount of open space, nor any significant change to streets, driveways, parking areas or access.

FINDING: SATISFIED WITH CONDITIONS. This is a major amendment to the existing Planned Development. It is being processed per Section 17.72.120 and consistent with the provisions of the Planned Development Ordinance 5086 which applies to the property. As addressed under the respective relevant provisions of the Zoning Ordinance below, findings have been made that, with conditions, the application satisfies all relevant provisions of this ordinance and the provisions of 17.74.070(A)-(F) below.

- 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 Applicant has three special objectives that warrant the requested departure from two of the current conditions of approval, where the other standard regulations and conditions of approval are met:

1. The desire to provide additional housing to meet the City of McMinnville's rental housing supply needs which are demonstrated by the City of McMinnville housing needs analysis to be very high at this time.
2. The desire to make the project financially viable in the near term by allowing buildings at a scale that makes providing housing, commercial space and substantial attractive site amenities possible.
3. The desire to provide work-live spaces such that the mixed-use character of the area is reinforced while also giving the site flexibility to meet the needs of the market over time.

FINDING, SUBSECTION (A): SATISFIED WITH CONDITIONS. The subject properties are subject to a previously approved Planned Development Overlay, Ordinance 5086. No master plan has yet been adopted for the property, so per Chapter 17.51, no development of the property may occur until a master plan has been approved. The applicant is

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requesting a Planned Development Amendment for approval of the master plan. In addition, the applicant is requesting modifications to some of the conditions of Ordinance 5086. As described in Section I, Application Summary, of this document, the applicant is not requesting a departure from the provisions of the C-3 zone, but rather from the more restrictive/specific provisions of the Planned Development Overlay Ordinance 5086. The request is consistent with the intent of Ordinance 5086 and development objectives, for a viable pedestrian-oriented mixed-use development that provides for amenities, open space, and landscaping consistent with the intent of Ordinance 5086 and the applicable development standards.

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

APPLICANT'S RESPONSE: The current Planned Development Overlay District demonstrated in the findings to its approval through Ordinance 5086 that the Comprehensive Plan objectives were met with conditions. The conditions as amended will continue to conform as did the original. The amendments further allow development of the site to meet the housing needs of the city. This makes development of the site more in compliance with the Comprehensive Plan which promotes development of housing as a policy. Furthermore, the underlying C-3 zone, which implements the Comprehensive Plan, allows:

- buildings taller than proposed here (consistent with requested modification to COA #5.c.);
- density greater than the 144 Apartments proposed here (both of which are consistent with requested modification to COA#3); and
- work-live units.

Thus, the proposal in this Planned Development Amendment is consistent with the Comprehensive Plan objectives of the area and the underlying C-3 zone.

FINDING: SATISFIED WITH CONDITIONS. In the respective sections below, findings have been made regarding consistency with the Goals and Policies in Volume II of the Comprehensive Plan and the objectives of the area, including the Great Neighborhood Principles. The proposed use and development, with the requested amendments, is also consistent with the applicable Commercial Comprehensive Plan Map Designation and C-3 zoning which continue to apply.

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: Adequate access is already provided to adjoining parcels by the existing street network as shown on the Site Plans. Since the site is surrounded on all sides by streets, the only adjoining parcels are the Substation and City Park parcel to the east, both of which have frontage on a public street already provided with services.

FINDING: SATISFIED. Surrounding properties in the UGB to the south and are already developed and are in the process of developing consistent with approved plans, and the street network is already established. Adequate access and services have been provided to the lots in conjunction with the development.

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

APPLICANT'S RESPONSE: Upon approval of the amendments, work on a subsequent application for final landscaping plans, building permits, and civil site improvements can be prepared and submitted for approval within one year.

FINDING: SATISFIED. The applicant's timeline demonstrates completion within a reasonable period of time.

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: Adequate access is provided as shown on the Site Plan, and streets are adequate and will not be overloaded as addressed in the traffic impact analysis attached.

FINDING: SATISFIED WITH CONDITIONS. The request is for approval of a specific master plan, so the traffic impact analysis (TIA) is an "opening day" development review analysis. The city's transportation consultant reviewed the TIA and found it was prepared according to accepted practices and addressed the applicable issues.

Table 8 of the TIA, excerpted below, provides the capacity analysis demonstrating the intersections meet the City's mobility standards.

Table 8: Capacity Analysis Summary

Intersection & Condition	Mobility Standard	AM Peak Hour			PM Peak Hour		
		V/C	LOS	Delay (s)	V/C	LOS	Delay (s)
1. NW Baker Creek Road at the Site Access							
2026 Buildout Condition	0.90	0.05	B	12	0.07	B	13
2. NW Baker Creek Road at NW Meadows Drive							
2023 Existing Condition	0.90	0.15	B	15	0.08	C	16
2026 Background Condition		0.18	C	17	0.11	C	19
2026 Buildout Condition		0.23	C	17	0.17	C	21
3. NW Baker Creek Road at NW Michelbook Lane							
2023 Existing Condition	0.90	0.22	C	16	0.22	B	14
2026 Background Condition		0.36	C	22	0.48	C	24
2026 Buildout Condition		0.44	D	26	0.59	D	31
4. NW Baker Creek Road at N Baker Street							
2023 Existing Condition	0.90	0.53	B	14	0.54	B	16
2026 Background Condition		0.62	B	16	0.62	B	18
2026 Buildout Condition		0.65	B	16	0.63	B	18

Notes: Locations that do not meet standards are BOLDED.

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

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APPLICANT'S RESPONSE: Adequate utility and drainage infrastructure have been improved and stubbed to this parcel concurrent with adjacent residential development of the surrounding public street system. Additional on-site utility and drainage facilities will be improved at time of future application for building permits and civil site improvements with appropriate drainage reports and utility plans following approval of this request to amend conditions and approve the Site Plans.

FINDING: SATISFIED WITH CONDITIONS. Affected agencies and departments have reviewed the proposed development plans. Subject to conditions of approval, including requirements for provision of utilities and requirements addressing drainage, the development will have adequate utility and drainage facilities.

- 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: An additional 24 dwelling units will not create a substantial difference in noise, air, or water pollutants from the development already allowed on-site by Ordinance 5086, nor will allowing 9 work/live spaces in the ground floor commercial buildings. Certainly, that marginal difference will not result in any adverse effects on the City. On the contrary, it will help the City meet its housing objectives at a site that is already designated for development, decreasing the burden to meet these needs in other areas where such pollutants could have adverse effects.

FINDING: SATISFIED. There are no aspects of this development as a Planned Development that are substantively different than would otherwise occur if the site was developed without a Planned Development overlay as a permitted use in the underlying C-3 zone for this property. There are no unique noise, air, or water pollutants associated with this development. The provisions of Planned Development Ordinance 5086 will continue to apply and include use limitations that are more restrictive than the full list of permitted uses in the C-3 zone. The ordinance also limits hours of operation for commercial uses.

Planned Development Application Form Questions

Staff Note: *The Planned Development Amendment application form asks for the following information. The applicant has provided responses to each question, and these are provided below. Other than Question #2, these questions are not criteria for a Planned Development Amendment, but provide information related to applicable criteria. Therefore, staff has not provided findings in this section, but findings are instead made under the applicable criteria.*

1. *Show in detail how your request seeks to amend the existing Planned Development Overlay. State the reasons for the request and the intended use(s) of the property.*

APPLICANT'S RESPONSE:

[STAFF NOTE: The applicant's responses in the original application submittal and revisions as submitted in the addendum are both provided below. The general issues and findings remain applicable].

Original Submittal:

This request seeks to amend Ordinance No. 5086 Approving A Planned Development Overlay Amendment as follows:

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As shown in the attached site plans.

Change COA #2. to state (strike through is removed text and bold is added text):

2. "That up to ~~120~~**144** multiple family dwelling units **plus 9 ground floor work-live units in the commercial mixed-use area** are allowed within the Planned Development Overlay District..."

Change COA #5.c. to state (strike through is removed text and bold is added text):

3. "...No building shall exceed a height of ~~two~~**three** stories without a variance. If any building is proposed to exceed 35 feet, the building shall be designed with a step back in the building wall above 35 feet to reduce the visual impact of the height of the building, **except that buildings with a pitched roof, and two buildings with architectural towers may have a maximum height of 45 feet without a step back in the building wall.**"
- a. b. c. to be amended or to grant Applicant a variance to approve this Project with regards to the location and orientation of buildings, parking and ROW's as explained in The Request below.

The reasons for the requests are as follows:

1. The desire to provide additional housing to meet the City of McMinnville's rental housing supply needs which are demonstrated by the City of McMinnville housing needs analysis to be very high at this time.
2. The desire to make the project financially viable in the near term by allowing buildings at a scale that makes providing housing, commercial space and substantial attractive site amenities possible.
3. The desire to provide work-live spaces such that the mixed-use character of the area is reinforced while also giving the site flexibility to meet the needs of the market over time.
4. Ensure the most efficient use of land to meet the City's policy objectives with the least impact on other resources.

Reasons also include those other reasons stated throughout the entirety of this application.

3-story buildings. The intended use of the property is 3-story multi-family residential apartment buildings and 3-storied mixed-use buildings, too, with commercial and retail on the ground floor and multi-family residential apartments on the two stories above. The ground floor commercial will include the use of 9 work/live spaces. Three-story buildings for the apartments and the commercial buildings are the most efficient use of this property in meeting the requirements of the Overlay. Without the three-story buildings the Applicant cannot get the currently allowed 120 apartments and still provide 5 acres of ground floor commercial buildings.

45 Feet height. Allowing 45 feet of height, as described here, allows Applicant to use pitched roofs on the apartment buildings to create a variety of roof lines for greater visual interest of the development. The pitched roofs on the apartments at the end of the project help with the contained village feel we are attempting to create. The eaves of these buildings are 31 feet in eight and the ridges are 41 feet in height. Also, on one corner of buildings 1 and 2 are "tower" features creating a dramatic entrance into the

project. The “tower” on building 1 is on the NE corner of the building and is 17’ x 17’ in width and 45 feet tall. The “tower” on the SE corner of building 2 is 25’ x 27’ in width and 40 feet tall.

144 apartments. As this project was designed with 5 acres of mixed-use buildings and the remaining as apartments, with all of the necessary parking, landscaping and open spaces, the most efficient use of the land came out to more than 120 apartments. Our proposal is 144 apartments (plus the 9 work/live spaces). The additional 24 apartments work very well on the site and in no way diminish the livability of the neighborhood and do not diminish the remaining objectives of the approved Planned Development Overlay.

9 work/live spaces. The Applicant’s opinion is 5 acres of commercial/retail space (30,258 square feet) is a lot of commercial space to bring online in that area, and that a lot of the space could sit vacant for an extended period of time. A lot of vacant storefronts is not good for anybody. The request to allow work-live spaces on the ground floor of the commercial mixed-use buildings is to promote more rapid initial lease-up and use of the commercial space. This flexibility of the commercial spaces provides an opportunity to help the project initially. These work/live spaces can easily be converted to retail only uses in the future when commercial demand increases. This initial flexibility helps in the financing of the project and reduces the amount of empty commercial spaces the neighbors will look at upon full build out. The total size of these 9 spaces is 6,147 square feet (leaving 24,111 square feet of commercial space initially).

It is important to note that these work/live spaces are first designed to be commercial/retail spaces. All the ground floor spaces will be designed and built for commercial/retail use. These spaces are then divided into smaller spaces and by adding kitchens and bathrooms (and shades to the windows) we create work/live spaces. The buildings still have commercial/retail storefronts, windows and doors and can be changed to retail uses quite easily.

The Applicant is of the opinion these 9 work/live spaces will eventually be converted to retail or office uses. Thus, the Applicant does not include these units in the total apartment count of 144. In addition, these work-live spaces can meet valuable housing and commercial demand in the interim, as opposed to being empty, if only allowed as commercial space. Should demand for the ground floor commercial space in this area not increase, these spaces can continue to productively meet the demand in McMinnville for work/live units if approval of the modification of Condition of Approval #2 is granted.

Location and Orientation of buildings, parking and ROW’s. The Ordinance presupposes a certain type of commercial development on this site. We believe the proposed project as designed creates a commercial and residential development which meets the intended objectives of the ordinance. The ordinance states that all buildings and their primary entrances should be oriented to the ROW. The entire project, as opposed to any one particular building or its specified entrance, is oriented towards the Public ROWs. The project would not have the intended pedestrian scale if we oriented all of these buildings to the ROW’s that abut this project. To the extent the proposed project does not strictly meet the requirements of 5.a, b. and c. Applicant request the COA’s be deemed amended to approve this project.

Revisions Per Addendum:

Applicant, Baker Creek 2, LLC submits the following Addendum to its Planned Development Amendment Application of July 31, 2023.

1. Applicant removes pages 18 and 19 from Attachment 2 the Site Plan. These pages are the sheets setting forth the proposed design of buildings 5, 6 and 7, the 3-story apartment buildings. These Pages will be replaced with pages 22 and 23.
2. In addition, we are adding pages 9, 10, 11 and 12 to the Site Plan to illustrate some of the elevations of the proposed buildings. (The total number of pages in the Site Plan is now 23 instead of 19.)
3. Applicant requests to amend Condition of Approval #5(c) to allow maximum roof height of 45 without a step back for the gabled roofs of buildings 5, 6 and 7 and for the “towers” of buildings 1 and 2. In addition to allow parapet heights of up to 40 feet on the mixed use buildings no.s 1, 2, 3 and 4.

COA #5.c. shall read:

c. “... No building shall exceed a height of ~~two~~**three** stories without a variance. If any building is proposed to exceed ~~35~~ **40** feet, the building shall be designed with a step back in the building wall above ~~35~~ **40** feet to reduce the visual impact of the height of the building, **except buildings with a pitched roof, and two buildings with architectural towers may have a maximum height of 45 feet without a step back in the building wall for those towers.**”

As explained throughout the Planned Development Amendment Application of July 31, 2023 allowing 45 feet maximum height without step back allows this project to have the three story apartment buildings in buildings 5, 6 and 7 with pitched roofs. The eaves for these three buildings will still be under 35 feet. This allows a differentiation between the mixed-use buildings and the residential-only buildings to enhance a village-like feel. The 45 feet heights also allow for the addition of the two architectural “towers” on buildings 1 and 2 to provide a dynamic entrance into the piazza.

Raising the height of the mixed-use buildings 1, 2, 3 and 4 from 35 feet to 40 feet allows the project to have varying heights of the parapets for more interest and architectural appeal and design to the project. Given the size of these buildings it is important to vary the height of the roof line – in this case the parapets. Most of the parapets are 35 feet but it would be very difficult to design these buildings with parapets lower than 35 feet; hence the need to design some parapets higher than 35 and up to 40 feet.

2. *Show, in detail, but citing specific goals and polices, how your request is consistent with applicable goals and policies of the Comprehensive Plan.*

APPLICANT’S RESPONSE: *(See applicant’s responses under findings regarding Comprehensive Plan Goals and Policies below).*

3. *Considering the pattern of development in the area and surrounding land uses, show, in detail, how the proposed amendment is orderly and timely.*

APPLICANT’S RESPONSE:

1. Completion of the adjacent residential subdivisions (by others) has made the development of this site for commercial and further residential uses timely as such

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development will maximize the use of these new public facilities. Approval of the requested amendment will make development of the site financially feasible and facilitate the project proceeding soon to take advantage of the available public infrastructure.

2. Adjacent residential subdivision developments will need the mixed-use commercial site to provide services and shopping opportunities nearby to reduce travel demands, so approval of the requested amendments will facilitate development of the site advancing sooner, bringing the commercial uses the site can provide to the new residents of the site and those of the adjacent residential subdivision developments sooner than otherwise, as approval makes it more feasible to be built soon.

3. The new McMinnville Power and Light substation project has advanced, ensuring power availability to the new development site, so the few added units the proposal requests approval of will be able to be served, too.

4. Various public capital improvement projects have been completed or will be moving forward (i.e., Hill Road and Michelbook Lane and Hwy 99W and Baker Creek Road), which make the marginal added trips that will come with the additional dwelling units requested reasonable and feasible for the transportation system to handle if approval is granted and this site is developed soon (see attached traffic impact analysis).

[STAFF NOTE: The City has budgeted for a signal at Michelbook. ODOT previously modified signal operations at Hwy 99W].

4. *Describe any changes in the neighborhood or surrounding area which might warrant support or warrant the request.*

APPLICANT'S RESPONSE: The multi-family apartments across Baker Creek Road to the south are three-storied and received a variance approving a height adjustment greater than 35-feet. The site of this proposed project is farther from rural residential development to the west than the existing apartments and other development to the south, and thus less impactful, and farther from adjacent urban single-family detached dwellings because this parcel is separated from nearby urban single-family detached dwellings by a public street, which the apartments across Baker Creek Road (on the south side) were not.

In addition, more single-family lots are coming online/being built in this area, and this project will be a great addition to the neighborhood providing residential oriented retail stores and social gathering spaces. Thus, approval of this request will reduce existing area traffic driving out of this area to services currently non-existent in the area.

5. *Document how the site can be efficiently provided with public utilities , including water, sewer, electricity, and natural gas, if needed, and that there is sufficient capacity to serve the proposed use.*

APPLICANT'S RESPONSE: The parcel already has all utilities stubbed to it by current and previous subdivisions, and these changes proposed to the conditions do not significantly affect the need for utilities to the approved Overlay District beyond what is already available.

6. *Describe, in detail, how the proposed use will affect traffic in the area. What is the expected trip generation?*

APPLICANT'S RESPONSE: Approval of this request for amendment to the planned development conditions of approval will result in insignificant difference in traffic from the density

originally approved. Condition of approval #8 is met with the traffic impact analysis attached to this development plan.

Planned Development Overlay Ordinance 5086:

That the requested Planned Development Amendment is approved, subject to the following conditions:

1. *That Ordinance 4633 is repealed in its entirety.*

APPLICANT'S RESPONSE: This conditions is met by default.

FINDING: NOT APPLICABLE.

2. *That up to 120 multiple family dwelling units are allowed within the Planned Development Overlay District, but only if the multiple family units are integrated with neighborhood commercial uses. "Integrated" means that uses are within a comfortable walking distance and are connected to each other with direct, convenient and attractive sidewalks and/or pathways. This integration of multiple family units and neighborhood commercial uses shall either be within a mixed use building or in a development plan that integrates the uses between buildings in a manner found acceptable to the Planning Commission.*

APPLICANT'S RESPONSE: Approval of a modification to this condition is requested so an additional 24 dwelling units are allowed plus 9 work-live spaces in ground floor commercial buildings, so that up to 144 permanent dwelling units and 9 interim work-live within the Planned Development Overlay District.

FINDING: APPROVED WITH CONDITIONS. As part of the application, the applicant has requested a modification to this condition to allow up to 144 units. Subject to approval of that changes the master plan is consistent with this condition. The multi-dwelling units are integrated vertically in four mixed-use buildings with two stories of residential above commercial, and horizontally for the three 3-story multi-dwelling buildings as illustrated in the applicant's site plan and site analysis diagrams. There is internal connectivity and along the frontage. The internal pedestrian-connectivity routes also provide more than minimum-width sidewalk, rather providing a mix of wider facilities for direct and convenient access as well as comfort and attractive amenities.

3. *For the purposes of this Planned Development Overlay District, allowed neighborhood commercial uses are defined as those that are permitted in the C-1 (Neighborhood Business) zone in Section 17.27.010 of the MMC. In addition, "Restaurant" shall be permitted as a neighborhood commercial use in this Planned Development Overlay District. No retail uses should exceed 10,000 square feet in size, except for grocery stores. The applicant may request any other use to be considered permitted within the Planned Development Overlay District at the time of the submittal of detailed development plans for the site.*

APPLICANT'S RESPONSE: This condition is met by default. The Applicant acknowledges the neighborhood commercial uses allowed by this condition, and that any other use may be considered at the time of detailed development plan submittal for the site.

FINDING. SATISFIED. The proposed uses will be subject to compliance with this condition.

4. *That stand-alone drive-through facilities shall be prohibited within the Planned Development Overlay District.*

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APPLICANT'S RESPONSE: This condition is met, as no stand-alone drive-through facilities are proposed.

FINDING. SATISFIED. No stand-alone drive-through uses are proposed.

5. *Detailed development plans showing elevations, site layout, signing, landscaping, parking, and lighting must be submitted to and approved by the Planning Commission before actual development may take place. The provisions of Chapter 17.51 of the McMinnville Zoning Ordinance may be used to place conditions on any development and to determine whether or not specific uses are permissible. The detailed development plans shall identify the site design components listed below. The applicant may propose alternative design components when detailed development plans are submitted for review. The Planning Commission may review and approve these alternative design components if they are found to be consistent with the intent of the required site design components listed below.*
 - a. *That the future commercial development of the site is designed with shared access points and shared internal circulation. Parking and vehicle drives shall be located away from building entrances, and not between a building entrance and the street, except as may be allowed when a direct pedestrian connection is provided from the sidewalk to the building entrance.*
 - b. *Parking shall be oriented behind the buildings or on the sides. Surface parking shall not exceed 110% of the minimum parking requirements for the subject land uses. Shared parking is encouraged. The applicant may request a reduction to or waiver of parking standards based on a parking impact study. The study allows the applicant to propose a reduced parking standard based on estimated peak use, reductions due to easy pedestrian accessibility; and a significant bicycle corral that is connected to the BPA bicycle/pedestrian trail. Parking lot landscaping will meet or exceed city standards.*
 - c. *Buildings shall be oriented towards the surrounding right-of-ways and must have at least one primary entrance directly fronting a public right-of-way. Building facades shall be designed to be human scale, for aesthetic appeal, pedestrian comfort, and compatibility with the design character of the surrounding neighborhoods. Special attention should be paid to roof forms, rhythm of windows and doors, and general relationship of buildings to public spaces such as streets, plazas, the public parks and the adjacent neighborhood. No building shall exceed a height of 45 feet without a variance. If any building is proposed to exceed 35 feet, the building shall be designed with a step back in the building wall above 35 feet to reduce the visual impact of the height of the building.*
 - d. *Pedestrian connections shall be provided between surrounding sidewalks and right-of-ways. The plans shall also identify how the development provides pedestrian connections to adjacent residential development and the BPA Bike/Pedestrian Trail system located adjacent and to the east of the site.*
 - e. *The commercial development shall maximize connectivity with the BPA Bike/Pedestrian Trail and the other adjacent public parks but minimize bicycle and pedestrian conflicts within the site.*
 - f. *Sidewalks and/or plazas will be provided with weather protection (e.g. awnings/canopies). Appropriate pedestrian amenities such as space for outdoor seating, trash cans, sidewalk displays, outdoor café seating and public art will also be provided.*
 - g. *That landscape plans be submitted to and approved by the McMinnville Landscape Review Committee. A minimum of 14 percent of the site must be landscaped with emphasis placed at the street frontage. All public right-of-ways adjacent to the site will be improved with street tree planting as required by Chapter 17.58 of the MMC.*
 - h. *The plan must provide a community gathering space that is easily accessible via pedestrian and bicycle access from all of the uses within the commercial development as well as the adjacent BPA Bike/Pedestrian Trail. If multiple family dwelling units are*

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developed on the site, a minimum of 10 percent of the site must be designated as usable open space. The usable open space will be in addition to the minimum 14 percent of the site that must be landscaped, and may be combined with the community gathering space required for the commercial uses. The usable open space shall be in a location of the site that is easily accessible from all buildings and uses, shall not be located in a remnant area of the site, and shall not be disconnected from buildings by parking or driving areas.

i. That signs located within the planned development site be subject to the following limitations:

1. All signs, if illuminated, must be indirectly illuminated and nonflashing, and the light source may not be visible from any public right of way and may not shine up into the night sky;
2. No individual sign exceeding thirty-six (36) square feet in size shall be allowed.
3. Internally illuminated, signs on roofs, chimney and balconies, and off-site signage are prohibited.
4. Each building may have a maximum of two signs to identify the name and street address of the building. These signs must be integral to the architecture and building design and convey a sense of permanence. Typically these sign are secondary or tertiary building elements as seen on historic urban buildings. Maximum sign area shall be no more than 6 square feet. Maximum sign height shall be 18 feet above the sidewalk to the top of the sign.
5. Each building may have one directory sign immediately adjacent to a front/main or rear entry to the building. A directory sign is allowed at each entry to a common space that provides access to multiple tenants. Directory signs shall be limited to 12 square feet in area and their design shall integrate with the color and materials of the building.
6. One freestanding monument sign shall be permitted within 20 feet of each driveway access to a public right-of-way. The maximum sign area shall be 24 square feet. Monument signs must be positioned to meet the City's clear vision standards. The maximum height from the ground of the monument sign shall be 6 feet.
7. Each building may have a total of two signs per tenant identifying the leased/occupied space. These signs must be located on the façade containing the primary entry or façade immediately adjacent to the primary entry to the tenant's space. In all cases these signs must be on a wall attached to the space occupied by the tenant. Tenants may select from the following sign types: Awning, Project/Blade or Wall.

A. Awning Sign

- i. Maximum sign area shall be 6 square feet on the main awning face or 3 square feet of the awning valance.
- ii. Lettering may appear but shall not dominate sloped or curved portions, and lettering and signboard may be integrated along the valance or fascia, or free-standing letters mounted on top of and extending above the awning fascia.
- iii. Lettering and signboard may be integrated along the valance or awning fascia.

B. Projecting and Blade Sign

- i. Maximum sign area shall be 4 square feet (per side).
- ii. The sign must be located with the lower edge of the signboard no closer than 8 feet to the sidewalk and the top of the sign no more 14 feet above the sidewalk.
- iii. For multi-story buildings, at the ground floor tenant space signage, the top signboard edge shall be no higher than the sill or bottom of the average second story window height.

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- iv. Distance from building wall to signboard shall be a maximum of 6 inches.
- v. Maximum signboard width shall be 3 feet with no dimension to exceed 3'.
- vi. Occupants/tenants above the street level are prohibited from having projecting blade signage.

C. Wall Signs

- i. Maximum sign area shall be a maximum of 10 square feet. For small tenant spaces the ARC may limit sign size to less than 10 square feet.
- ii. The sign shall be located on the tenant's portion of the building. Maximum sign height for multiple story buildings shall be 14 feet above the sidewalk to the top of the sign. The maximum sign height for single story buildings is 18 feet above the sidewalks to the top of the sign. The measurement is from the top of the sign to the lowest point on the sidewalk directly below the sign.
- iii. Applied lettering may be substituted for wall signs. Lettering must fit within the size criteria above.
- j. Outside lighting must be directed away from residential areas and public streets.

APPLICANT'S RESPONSE (5c):

[Staff Note: The applicant submitted an addendum to the original application, slightly modifying the requested change to Condition 5(c) of Ordinance 5086 regarding building height. The original request and the revised request are both provided below].

(Applicant's Original Submittal):

Approval of a variance to condition of approval 5.c. is requested to allow all buildings to have three stories, just like allowed in the underlying zoning district. This is needed for efficient use of the land. Also, the request is to allow maximum roof height of 45' without a step back for gabled roofs of the apartment buildings 5, 6 and 7 and for the "towers" on the corners of buildings 1 and 2. Except for these two "towers" the flat roofed buildings 1, 2, 3 and 4 will continue to have a maximum height of 35'. The gabled roofs have eaves 32' high and the ridge heights no greater than 45'.

The tower features are on the NE corner of Building 1 and the SE corner of Building 2. The tower on building 1 is 17' x 17' wide and the tower on building 2 is 25' x 27' wide. The "towers" are design features to give the piazza a formal and obvious entrance.

(Applicant's August 25, 2023 Addendum):

Applicant requests to amend Condition of Approval #5(c) to allow maximum roof height of 45 feet without a step back for the gabled roofs of buildings 5, 6 and 7 and for the "towers" of buildings 1 and 2. In addition to allow parapet heights of up to 40 feet on the mixed-use buildings no.s 1, 2, 3, and 4.

COA #5.c. shall read:

c. "... No building shall exceed a height of ~~two~~**three** stories without a variance. If any building is proposed to exceed ~~35~~ **40** feet, the building shall be designed with a step back in the building wall above ~~35~~ **40** feet to reduce the visual impact of the height of the building, **except buildings with a pitched roof, and two buildings with architectural towers may have a maximum height of 45 feet without a step back in the building wall for those towers.**"

As explained throughout the Planned Development Amendment Application of July 31, 2023 allowing 45 feet maximum height without step back allows this project to have the three story apartment buildings in buildings 5, 6 and 7 with pitched roofs. The eaves for these three buildings will still be under 35 feet. This allows a differentiation between the mixed-use buildings and the residential-only buildings to enhance a village-like feel. The 45 feet heights also allow for the addition of the two architectural “towers” on buildings 1 and 2 to provide a dynamic entrance into the piazza.

Raising the height of the mixed-use buildings 1, 2, 3 and 4 from 35 feet to 40 feet allows the project to have varying heights of the parapets for more interest and architectural appeal and design to the project. Given the size of these buildings it is important to vary the height of the roof line – in this case the parapets. Most of the parapets are 35 feet but it would be very difficult to design these buildings with parapets lower than 35 feet; hence the need to design some parapets higher than 35 and up to 40 feet.

APPLICANT’S RESPONSE (5a, b, and c): Applicant seeks a variance or amendment to part of these COA’s so as to conform with this proposed design: (a) in part states “Parking and vehicle drives shall be located away from buildings entrances and not between a building entrance and the street . . .” (b) in part states “Parking shall be oriented behind buildings or on the sides.” (c) in part states “Buildings shall be oriented towards the surrounding rights-of-ways and must have at least one primary entrance directly fronting a public right-of-way.” To the extent that this proposed design does not strictly meet these conditions applicant seeks a variance or amendment to these COA’s so as to conform with this proposed design.

Our current proposal does not face the buildings towards the current public ROW of Baker Creek Road and Kent Street. This was intentional as these are not “pedestrian friendly” streets in the sense of large numbers of people using them to access commercial and retail spaces, despite them having sidewalks. Our project proposes an internal “pedestrian friendly street” that we feel meets the intent of pedestrian scale and accessibility of pedestrians outside of vehicular traffic. We refer to this area as the ‘piazza’. Our buildings front this piazza as the intent of the project is to create a commercial hub that is intended for pedestrian use primarily. We scaled the buildings appropriately, created sidewalks that are extra wide to allow for tables, displays, etc. and groups to pass one another without stepping onto a street. We lined it with landscaping and spots to stop and sit as well. There is vehicle traffic allowed in the piazza, but it is reduced with a handful of parallel parking spots and can be shut off entirely for special events.

While orienting all of the building’s primary entrances towards the internal right-of-way and internal circulation, these buildings are further designed so as to not have a “rear façade”. All four sides of all seven buildings are designed with intention and purpose to serve their orientation on the site. Buildings 1, 2, 3 and 4 have primary entrances on each side of the buildings. Where we have strictly residential buildings, (buildings 5, 6, & 7), the sides of the buildings are still the primary exterior walls for the units inside. None of these buildings (or units) have fences, or backyards. The units will face the existing ROW’s as their primary source of daylighting and views.

We believe the proposed project as designed creates a commercial and residential development which meets the intended objectives of the ordinance. The ordinance states that all buildings and their primary entrances should be oriented to the ROW. The entire project, as opposed to any one particular building or its specified entrance, is oriented towards the Public ROWs. The project would not have the intended pedestrian scale if we oriented all of these buildings to the ROW’s that about this project. The buildings are oriented towards each

other and the common area of circulation that has been created – the piazza. As previously stated, the current ROW's that abut the project are not what we would consider "pedestrian friendly" but rather sidewalks on arterial roads. In addition to this, the parking for the buildings is oriented to emphasize and support the buildings and piazza along with the other common areas for pedestrians, bicycles and vehicles. Other than a small handful of parallel spots within the piazza the parking is located around the buildings to support the pedestrian experience. The buildings as designed, the current ROW at the property edges, and the parking areas all have access to pedestrian connections throughout the site. We believe the intent of the ordinance is to create spaces that are pedestrian scaled, pedestrian friendly, and 'destination' type environments. The orientation of our buildings for this project and the piazza they create do just that.

APPLICANT'S RESPONSE (5a-j): Other Notes on Condition of Approval #5:

- a. Buildings are designed at a human scale with ample spacing between buildings, plazas and setbacks to street walkways (see sections in the Site Plans). Sloped roofs are used on the residential buildings to match the character of the surrounding residential neighborhood, where most roofs are sloped.

The proposed design creates a commercial and residential development which meets the intended objectives of the Ordinance. The buildings are oriented towards each other and the common area of circulation – the piazza. The entire project, as opposed to any particular building, is oriented towards the right of ways. The parking for the buildings is oriented to emphasize the piazza and other common areas for pedestrians, bicycles and vehicles.

Access points and circulations ways are shared as shown on the Site Plan. Where located between the building and street direct connections are made with sidewalks from the entrances to the street.

Our parking is located to support the buildings and the pedestrian experience. The buildings are spaced to create the optimal pedestrian experience for this site. In addition to the building locations, the entire site is connected throughout with pedestrian connections as listed within the ordinance requirements so as no matter where visitors or residents are coming from to experience this destination, they will have paths that are clearly marked and take them to everywhere around the site.

- b. The Site Plans show connections to sidewalks, rights-of-way, and the BPA trail. See Page 5 of the Design Packet.

The proposed parking is based upon 1.5 parking stalls for every residential unit and 1 parking stall for every 250 square feet of commercial use. The shared parking total is 30% based on the minimum parking requirements and the total number of stalls being proposed. No reduction in parking minimums is requested, thus no parking impact study is provided. We currently are estimating that the parking usage will be 10% retail, 25% dining, and 65% office (professional and other) on the commercial side. This would make the average between the 1/250 and 1/300. We are estimating that residential usage will be higher during the off hours of the commercial side. We feel the 30% shared parking is right in line with the city's ordinance and the mixed uses of the site. Section 5(b), encourages the use of "Shared parking" between residential and commercial buildings and thus no reduction in parking minimums is requested and no parking impact study is provided.

Additionally, we have numerous bike parking around the site and a large, covered bike corral at an easily accessible area off of the public plaza with a connection to the BPA and other Bike/Pedestrian access.

- c. “Building facades shall be designed to human scale, for aesthetic appeal, pedestrian comfort and compatibility with the design character of the surrounding neighborhood.” This is our primary focus. We have designed buildings that meet this portion of this section as written “pedestrian friendly, aesthetic appeal,” This is why we created the internal pedestrian friendly street to allow a more pedestrian scaled experience than what is currently within the public ROW that abuts the project.

Further, 5(c) requires “Special attention should be paid to roof forms, rhythm of windows and doors, and general relationship of buildings to public spaces” We feel our project does an excellent job of this by using some pitched roofs and varying the flat roofs and the by adding the “towers”. All the buildings meet this portion of the condition as the varying heights, with varying materials and stepping of the facades across the buildings “reduce the visual impact” of the overall building heights.

- d. These conditions are met. The Site Plans show connections to sidewalks, rights-of-way, and the BPA trail. See Page 5 of the Design Packet.
- e. These conditions are met. See Page 5 of the Design Packet. Connection to the BPA trail is maximized with a direct route on-site to it and to it via sidewalks along Kent Street and Baker Creek Road, as shown on the Site Plans.
- f. These conditions are met. Sidewalks and plazas are provided with amenities like awnings and seating.
- g. These conditions will be met. Landscaping Plans and Street Tree Plans will be submitted as required. Site Plans show the required area of open space is included.
- h. These conditions are met. See Page 3 of the Design Packet. Multi-family dwellings are proposed, so the total area of Usable Open Space/Community Gathering Area equals more than 10% of the site. This is in addition to the required 14% of the site that is landscaped. There is a designated “Plaza” to be used as a community gathering place at the east end of building 1 adjacent to the main entrance off Baker Creek Road to ensure high visibility. The BPA/Pedestrian trail connects to it from the east side of the property where the sheltered bike coral is located. The proposed site also includes additional usable open spaces in between most of the buildings to provide additional gathering spaces for the residential units and those visiting for the commercial/retail experience. These contribute to more than the 10% requirement.
- i. Details were omitted for brevity. These conditions will be met. Signs will meet the requirements of these conditions upon application for building/sign permit, as applicable.
- j. These conditions will be met. Outside lighting will be directed away from residential areas and streets and will be shown upon application for site development/construction and building permit, as applicable.

FINDING (Condition #5): SATISFIED WITH CONDITIONS. The applicant has requested an amendment to portions of Condition #5c regarding two issues: maximum number of stories without a variance, and step backs for buildings over 35’ in height. Findings have been made

addressing the requested changes, and subject to approval of these requested amendments, the master plan is consistent with the applicable Planned Development conditions,

These requests are made concurrent with the request for approval of the proposed master plan, so the effect of the requested amendments is evidenced with the proposed master plan which becomes part of the Planned Development. The plan demonstrates attention has been paid to the roof forms, rhythms of windows and doors, and general relationships to public spaces.

Regarding the requested amendment related to the height-based setbacks, the three residential buildings are proposed to have pitched roofs with eave lines not exceeding 35 feet, so the sloping rooflines will achieve step-backs over 35 feet with the exception of the gable ends. The highest point of the tallest ridgelines would not exceed 45 feet. For the four mixed-use buildings, the applicant is proposing parapets of various heights to provide visual interest and variety. Proposed parapet heights are approximately 35-, 37-, 40-, and 45-feet in height. See *Figure 5 for elevations*. The predominant parapet heights are approximately 35 and 37 feet. The maximum 45-foot height is limited to the taller corner “tower” features of Buildings 1 and 2 which are setback from property lines. The applicant is requesting up to 40 feet for the predominant parapet heights to provide flexibility regarding final design and up to 45 feet only for the two tower features. On the public street facing sides, the buildings are setback a greater distance. See *Figure 4 for perspective drawings*.

In part, Condition #5 also authorizes an applicant to propose “alternative design components when detailed development plans are submitted for review:”

...The detailed development plans shall identify the site design components listed below. The applicant may propose alternative design components when detailed development plans are submitted for review. The Planning Commission may review and approve these alternative design components if they are found to be consistent with the intent of the required site design components listed below...

The applicant has proposed and requested approval of alternative design components related to conditions 5a, b, and c together with the submittal of the detailed development plans, demonstrating consistency with the intent.

As part of the master plan, the applicant has proposed alternative design components regarding these standards to address the intent. In summary, the site has three frontages, Baker Creek Road is a minor arterial which has access control limitations.

The provisions the applicant is addressing with alternative design components are intended to create an active, pedestrian-oriented street edge with pedestrian interest and activity. The conditions specify this is to be achieved by orienting buildings to the street, generally limiting off-street parking lots between the building and the street and sidewalk, and providing for building entrances to be oriented to the streets. While the site design provides for buildings to be directly oriented to two of the frontages – Baker Creek Road and Hill Road, due to Baker Creek Road’s minor arterial width, design, scale, speed limit and no on-street parking, and relationship to the other side of the street, etc. Baker Creek Road does not have the characteristics typical of a more traditional pedestrian-oriented shopping street.

There are numerous examples of developments with frontage on similar arterials throughout the country that comply with similar code provisions, but don’t truly achieve the intent – the architectural designs may be pedestrian scaled, but the site design often remains auto-oriented without truly providing a pedestrian-focused site design or experience.

The applicant's proposal addresses this intent. The applicant has proposed to orient the southerly buildings and a plaza to Baker Creek Road and Hill Road consistent with the standards, and to also create what is essentially a new east-west private pedestrian-oriented street-like design (the "piazza") on a portion of the site with distinguishing pavement treatments, traditional parallel parking, buildings facing on both sides with wider sidewalks and street trees, bump-outs and crosswalks, outdoor seating, and other pedestrian amenities, etc. The site is also designed so this portion of the site could be temporarily closed off to vehicular traffic while still allowing access to on-site circulation and parking on the rest of the site. Further, the applicant proposes to create a north-south pedestrian "paseo" in the middle of the site that aligns with and provides for pedestrian connectivity to the north, providing a pedestrian route to and through the site.

Because the on-site pedestrian street-like feature and its parallel parking are private, some aspects of the site design are considered to rely on "alternative design components" specified in Ordinance 5086. In addition, this is needed to address the site design relative to the relationship to the frontage to the north. A single aisle of parking is provided along the north side of the property, and direct pedestrian connections are provided to and through the site and connecting through the pedestrian way to the north. The predominant parking areas are internal to the site – on the east, providing separation from the substation, and on the west, providing some delineation between residential and commercial.

The site also incorporates a bicycle path along the east side of the property from the BPA trail, connecting near the northeast corner of the property and connecting to Baker Creek Road bike lane and providing a connection to the plaza area and providing for a bike corral.

6. *No use of any retail commercial use shall normally occur between the hours of 1:00 a.m. and 5:00 a.m.*

APPLICANT'S RESPONSE: This condition is applicable to future commercial uses at the site. The Applicant acknowledges this limit on commercial operation hours at this site.

FINDING: SATISFIED. This requirement will apply to proposed uses.

7. *All business, service, repair, processing, storage, or merchandise displays shall be conducted wholly within an enclosed building except for the following:*
 - a. *Off-street parking and loading;*
 - b. *Temporary display and sales of merchandise, providing it is under cover of a projecting roof and does not interfere with pedestrian or automobile circulation;*
 - c. *Seating for food and beverage establishments; and*
 - d. *Food carts.*

APPLICANT'S RESPONSE: This condition placing limits on conduct of commercial activity at this site is acknowledged by the Applicant.

FINDING: SATISFIED. This requirement will apply to proposed uses.

8. *Prior to any future development of the site, a traffic impact analysis shall be provided. The traffic impact analysis shall include an analysis of the internal circulation system, the shared access points, and the traffic-carrying capacity of all adjacent streets and streets required to provide eventual access to Baker Creek Road. The traffic impact analysis shall include an analysis of the intersection of Baker Creek Road and Michelbook Lane and the intersection of Baker Creek Road and Hwy 99W, but shall not be limited to only those intersections.*

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APPLICANT'S RESPONSE: This condition is met with the Traffic Impact Analysis attached to this application.

FINDING: SATISFIED. The applicant conducted the required traffic impact analysis and demonstrated consistency with the applicable mobility standards. **The TIA scoping was conducted in conjunction with the city's transportation consultant.** With the first part of the analysis, the applicant conducted trip generation and distribution analysis and provided information regarding traffic volumes at multiple intersections, including those listed above. Based on the first part of the analysis, intersections exceeding a certain number of additional trips were further analyzed. Those intersections and the results of that analysis are addressed in Table 8 of the TIA and demonstrate consistency with the City's adopted mobility standards.

9. *The minimum commercial development shall be five acres. Five acres of this site must retain ground floor commercial uses, allowing multiple family development to occur on the remainder of the site and as part of a mixed-use development. The five acres of commercial development will be calculated based upon all of the development requirements associated with the commercial development including any standards related to the mixed-use residential development.*

APPLICANT'S RESPONSE: This condition is met, as evidenced by the Site Plan page 4, Land Use Areas. Five acres of the site is made of commercial ground floor uses and all of the associated development requirements of this use and the mixed-use residential development.

FINDING: SATISFIED: The applicant has submitted as site plan and analysis with calculations demonstrating consistency with this requirement.

Comprehensive Plan Volume II:

The implementation of the goal, policy, and proposal statements in Volume II of the Comprehensive Plan shall occur in one of two ways. First, the specific goal, policy, or proposal shall be applied to a land use decision as a criterion for approval, denial, or modification of the proposed request. In this case the goal, the policy, or the proposal is directly applied. The second method for implementing these statements is through the application of provisions and regulations in ordinances and measures created to carry out the goals and policies. This method involves the indirect application of the statements.

Certain 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, policies, and proposals as they apply certain applications, and are not addressed below.

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

CHAPTER IV. ECONOMY OF MCMINNVILLE

Goal IV.2: TO ENCOURAGE THE CONTINUED GROWTH OF MCMINNVILLE AS THE COMMERCIAL CENTER OF YAMHILL COUNTY IN ORDER TO PROVIDE EMPLOYMENT OPPORTUNITIES, GOODS, AND SERVICES FOR THE CITY AND COUNTY RESIDENTS.

APPLICANT'S RESPONSE: The commercial element of the mixed-use project doesn't financially make sense on its own, rather the nexus of the residential use allowed by Ordinance 5086 is the catalyst to make the project feasible. Approval of the proposed amendment for 3 story buildings will provide the

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minimum number apartments that give the project the marginal difference it needs to work. The additional 24 apartments and 9 work/live spaces provide the City more housing and provide a larger cushion for the development of a great project. Approval will allow development and the continued growth of McMinnville commercially as envisioned by this policy.

FINDING: SATISFIED. The proposal would support mixed-use development as envisioned in the Comprehensive Plan and Planned Development Ordinance.

GOAL IV 3: TO ENSURE COMMERCIAL DEVELOPMENT THAT MAXIMIZES EFFICIENCY OF LAND USE THROUGH UTILIZATION OF EXISTING COMMERCIALLY DESIGNATED LANDS, THROUGH APPROPRIATELY LOCATING FUTURE COMMERCIAL LANDS, AND DISCOURAGING STRIP DEVELOPMENT.

APPLICANT'S RESPONSE: Development of the site with approval of this amendment would allow 3-storied mixed-use buildings which would be maximizing the efficiency of land use through this existing commercial land as envisioned by this policy. Developing the site with only 2 stories would not maximize its use.

FINDING: SATISFIED. The proposed 3-story development, co-located with the vertical mixed-use, with residential above commercial, and shared parking and circulation all contribute to efficient land use,. This site is appropriately located at the intersection of two arterials and proximate to nearby residential with a design and location that allows for trips by all modes and with a design that avoids strip development.

General Policies:

Policy 22.00: The maximum and most efficient use of existing commercially designated lands will be encouraged as will the revitalization and reuse of existing commercial properties.

APPLICANT'S RESPONSE: As mentioned above, Development of the site with approval of this amendment would allow 3-storied apartments and mixed-use buildings which would maximize the efficiency of these existing commercially designated lands as envisioned by this policy. Developing the site with only 2 stories would not maximize its use.

FINDING: SATISFIED. For reasons noted, the proposal would provide for efficient use of existing commercially designated land.

Locational Policies:

Policy 25.00: Commercial uses will be located in areas where conflicts with adjacent land uses can be minimized and where city services commensurate with the scale of development are or can be made available prior to development.

APPLICANT'S RESPONSE: There will be insignificant impacts to adjacent land uses by the proposed marginal increase of building height to 45-feet for 3-storied pitched roofed buildings because the site is located adjacent to a minor arterial on the south side and buffered from adjacent high-density residential land by a full public street on all other sides. In addition, a power substation is located to the east side of the commercial zoned land. The proposed commercial land location has readily available City utility services, including sanitary sewer services installed in 2018. To the south are similarly scaled multi-family apartment buildings.

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FINDING: SATISFIED. This site is already located and designated for commercial and mixed use development due to its suitability. The proposed master plan design provides a design that minimizes conflicts, including reasons stated by applicant.

CHAPTER V. HOUSING AND RESIDENTIAL DEVELOPMENT

GOAL V.1: TO PROMOTE DEVELOPMENT OF AFFORDABLE, QUALITY HOUSING FOR ALL CITY RESIDENTS.

General Housing Policies

Policy 59. Opportunities for multiple dwelling and mobile home developments shall be provided in McMinnville to encourage lower-cost renter and owner-occupied housing. Such housing shall be located and developed according to the residential policies in this plan and the land development regulations of the city.

APPLICANT RESPONSE: A recent Housing Needs Analysis indicates that over 4,070 housing units need to be developed in McMinnville to meet residential demands during the 2018-2041 planning horizon. McMinnville recently was shown to have a deficit of 217 gross acres of R4 land within the UGB. This site's acreage could go a long way to resolving this deficiency, and an additional 24 apartment units and 9 work/live spaces, will only help to alleviate the deficiency.

FINDING: SATISFIED. The zoning and Planned Development Ordinance 5086 already provide for multi-dwelling development of the property as a permitted use, provided it is integrated with the commercial portion of the site. The proposal master plan demonstrates consistency with this requirement.

GOAL V.2: TO PROMOTE A RESIDENTIAL DEVELOPMENT PATTERN THAT IS LAND INTENSIVE AND ENERGY-EFFICIENT, THAT PROVIDES FOR AN URBAN LEVEL OF PUBLIC AND PRIVATE SERVICES, AND THAT ALLOWS UNIQUE AND INNOVATIVE DEVELOPMENT TECHNIQUES TO BE EMPLOYED IN RESIDENTIAL DESIGNS.

APPLICANT'S RESPONSE: In order to create a more intensive and energy efficient pattern of residential development, the applicant is requesting approval of these amendments to the conditions to allow additional residential dwelling units to make the subject site developed with a more land intensive residential development pattern in accordance with this policy.

FINDING: SATISFIED. The proposed development would achieve greater efficiency with the requested planned development amendments and proposed master plan. The co-location and shared parking and circulation also achieve efficiencies. The vertical development is energy efficient, providing more compact development, contributing to an overall pattern that reduces trip distances, frontage and utility extension lengths per unit. The vertical multi-dwelling and mixed-use development is also efficient with respect to energy and building materials, reducing materials for separate foundations, roofs, and exterior walls and siding.

Policies:

Policy 68.00: The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center and to those areas where urban services are already available before committing alternate areas to residential use

APPLICANT'S RESPONSE: The site already has urban services available, improved by adjacent residential improvements, and is near NW Hill Road, where the City has recently made improvements

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to urban services to accommodate development in McMinnville. The added dwelling units facilitated by approval of the amendments to the conditions requested will encourage a compact form of development in these areas where urban services exist in support of this policy.

FINDING: SATISFIED. For reasons previously described above, the proposed form of development is compact, co-locating uses in on a site that will also serve the surrounding neighborhood.

Policy 71.13: The following factors should serve as criteria in determining areas appropriate for high-density residential development...:

APPLICANT'S RESPONSE: The area has already been selected for high density residential with the approved zone change and planned development overlay district. The requested increase in dwelling units is consistent with high density residential development ratios supported by this policy.

FINDING: SATISFIED. The applicant's response addresses this policy.

Planned Development Policies:

Policy 72.00 Planned developments shall be encouraged as a favored form of residential development as long as social, economic, and environmental savings will accrue to the residents of the development and the city.

APPLICANT RESPONSE: As this narrative and responses to these Policies have demonstrated, the underlying zoning would allow the type of development sought by amendments to these conditions of approval. This policy is to encourage planned developments. This planned development would ensure there are more residential units provided making this project viable and facilitating the construction of the amenities conditioned in the planned development overlay district, which will provide social benefits to the residents and economic benefits to the city because they'll have more places to shop and receive services in the new mixed-use commercial spaces near their homes in the NW corner of McMinnville.

FINDING: SATISFIED. The application addresses the conditions of the Planned Development Ordinance with a responsive master plan that achieves these objectives. The mixed use development and ability to serve the surrounding area in a multi-modal fashion benefit other residents of the development and surrounding area. The compact pattern also results in more efficient provision of public facilities.

Policy 73.00. Planned residential developments which offer a variety and mix of housing types and prices shall be encouraged.

APPLICANT RESPONSE: Approval of this requested amendment to conditions will facilitate more apartments and rental housing units being created, a variety of housing types needed in this part of the City and lacking in terms of a ratio of existing unit types.

FINDING: SATISFIED. The planned development already authorizes multi-dwelling development. The proposed plan further contributes to the housing mix present in the vicinity.

Policy 77. The internal traffic system in planned developments shall be designed to promote safe and efficient traffic flow and give full consideration to providing pedestrian and bicycle pathways.

FINDING: SATISFIED. The proposal provides for shared internal circulation, provides for pedestrian friendly, low-speed, low-volume circulation, and incorporates dedicated circulation for bicycle and pedestrians on portions of the site.

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Policy 78. Traffic systems within planned developments shall be designed to be compatible with the circulation patterns of adjoining properties.

FINDING: SATISFIED. The surrounding street system was configured considering the use of this site and surrounding properties. This site is also subject to limited access to Baker Creek Road, a minor arterial, and has designed accordingly.

Residential Design Policies:

Policy 79.00: The density allowed for residential developments shall be contingent on the zoning classification, the topographical features of the property, and the capacities and availability of public services including but not limited to sewer and water. Where densities are determined to be less than that allowed under the zoning classification, the allowed density shall be set through adopted clear and objective code standards enumerating the reason for the limitations, or shall be applied to the specific area through a planned development overlay. Densities greater than those allowed by the zoning classification may be allowed through the planned development process or where specifically provided in the zoning ordinance or by plan policy.

APPLICANT'S RESPONSE: The underlying zone classification would allow taller buildings and more dwelling units than proposed, so this request conforms with this policy to have residential density contingent on the zoning classification.

FINDING: SATISFIED . The underlying C-3 zoning would allow for more intensive development than proposed. There are no topographical limitations of the properties, and the property will be subject to provision of required municipal services and utilities.

Multiple Dwelling Development Policies:

Policy 90.00 Greater residential densities shall be encouraged to locate along collectors and minor arterials, within one-quarter mile from neighborhood and general commercial shopping centers or within neighborhood activity centers, and within a one-half-mile-wide corridor centered on existing or planned public transit routes.

APPLICANT'S RESPONSE: The requested amendment will put greater residential density along Baker Creek Road, a minor arterial and a planned transit corridor. Thus, they are consistent with this policy.

FINDING: SATISFIED. The proposed plan and co-located mixed-use development is consistent with this locational policy relative to the minor arterial location and provision of commercial use.

Policy 92.00 High-density housing developments shall be encouraged to locate along existing or potential public transit routes.

APPLICANT'S RESPONSE: As discussed above, this proposed development is located along a potential public transit route per current transit planning documents. The applicant is proposing to develop high density housing along this potential public transit route, meeting this policy.

FINDING. SATISFIED. The transit plan identifies this area for potential future transit service.

Policy 92.01. High-density housing shall not be located in undesirable places such as near railroad lines, heavy industrial uses, or other potential nuisance areas unless design factors are included to buffer the development from the incompatible use.

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APPLICANT'S RESPONSE: No portion of the site is located near incompatible uses such as railroad lines, heavy industrial uses, or other potential nuisance areas.

FINDING. SATISFIED. Satisfied for reasons noted by the applicant. In addition, the site design provides for separation from the substation to the east. The transit plan identifies this area for potential future transit service.

Policy 92.02. High-density housing developments shall, as far as possible, locate within reasonable walking distance to shopping, schools, and parks, or have access, if possible, to public transportation.

APPLICANT'S RESPONSE: These additional housing units would meet this policy because they would be integrated into a mixed-use commercial development providing shopping within reasonable walking distances. Parks are also nearby. Thus, this policy is met by this request.

FINDING. SATISFIED. This location is already approved for commercial and high-density residential development. The proposal plan provides for mixed-use on site in addition to the proximity to other facilities that already exists.

Urban Policies.

Policy 99.00. An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. Services shall include, but not be limited to:

- 1. Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available.*
- 2. Storm sewer and drainage facilities (as required).*
- 3. Streets within the development and providing access to the development, improved to city standards (as required).*
- 4. Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light).*

APPLICANT'S RESPONSE: All of these services are available for the additional dwelling units. This policy is met.

FINDING: SATISFIED WITH CONDITIONS. Subject to the conditions of approval for provision of utilities, the property will be served with adequate public facilities described above.

CHAPTER IX URBANIZATION

GOAL IX 1: TO PROVIDE ADEQUATE LANDS TO SERVICE THE NEEDS OF THE PROJECTED POPULATION TO THE YEAR 2023, AND TO ENSURE THE CONVERSION OF THESE LANDS IN AN ORDERLY, TIMELY MANNER TO URBAN USES.

GOAL IX 2: TO ESTABLISH A LAND USE PLANNING FRAMEWORK FOR APPLICATION OF THE GOALS, POLICIES, AND PROPOSALS OF THE McMINNVILLE COMPREHENSIVE PLAN

GREAT NEIGHBORHOOD PRINCIPLES:

Attachments:

Attachment 1 - Application and Attachments; Attachment 2 – TIA Review Letter; Attachment 3 - Public Testimony

Policies:

Policy 187.10 The City of McMinnville shall establish Great Neighborhood Principles to guide the land use patterns, design, and development of the places that McMinnville citizens live, work, and play. The Great Neighborhood Principles will ensure that all developed places include characteristics and elements that create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood with enduring value, whether that place is a completely new development or a redevelopment or infill project within an existing built area.

Policy 187.50. The McMinnville Great Neighborhood Principles are provided below. Each Great Neighborhood Principle is identified by number below (numbers 1 – 13), and is followed by more specific direction on how to achieve each individual principle

1. Natural Feature Preservation. Great Neighborhoods are sensitive to the natural conditions and features of the land.

a. Neighborhoods shall be designed to preserve significant natural features including, but not limited to, watercourses, sensitive lands, steep slopes, wetlands, wooded areas, and landmark trees.

APPLICANT’S RESPONSE: The subject property is a flat undeveloped portion of land in the NW corner of the city limits. There are no immediate “natural features” to preserve other than the development of the property as proposed. It is part of a subdivision though, that does have significant natural features and as currently designed, the proposed development will bring a higher density of residential living and commercial amenities to incorporate more of the neighborhood and surrounding areas into these natural amenities.

FINDING: SATISFIED WITH CONDITIONS. The applicant’s response addresses consistency with this policy.

2. Scenic Views. Great Neighborhoods preserve scenic views in areas that everyone can access.

a. Public and private open spaces and streets shall be located and oriented to capture and preserve scenic views, including, but not limited to, views of significant natural features, landscapes, vistas, skylines, and other important features.

APPLICANT RESPONSE: This property has scenic views on most sides. Our project is designed to preserve and maximize those views for the people that live there or come to visit. To the West are views of the coast range, foothills, and farmland. To the North are views of the wetlands around which this subdivision is constructed. The current design is to construct these buildings with three stories. We are requesting an amendment for the third story. If granted, the third floor apartments will have great views of the coast range and the wetlands. These views will also be apparent from some of the second floor apartments as well. In addition, the South side of buildings 1 and 4 are also designed for retail spaces to have exterior sitting areas which will have westerly views.

FINDING: SATISFIED WITH CONDITIONS. The applicant’s response addresses consistency with this policy.

3. Parks and Open Spaces. Great Neighborhoods have open and recreational spaces to walk, play, gather, and commune as a neighborhood.

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- a. Parks, trails, and open spaces shall be provided at a size and scale that is variable based on the size of the proposed development and the number of dwelling units.*
- b. Central parks and plazas shall be used to create public gathering spaces where appropriate.*
- c. Neighborhood and community parks shall be developed in appropriate locations consistent with the policies in the Parks Master Plan.*

4. Pedestrian Friendly. Great Neighborhoods are pedestrian friendly for people of all ages and abilities.

- a. Neighborhoods shall include a pedestrian network that provides for a safe and enjoyable pedestrian experience, and that encourages walking for a variety of reasons including, but not limited to, health, transportation, recreation, and social interaction.*
- b. Pedestrian connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces, and shall also be provided between streets that are disconnected (such as cul-de-sacs or blocks with lengths greater than 400 feet).*

APPLICANT'S RESPONSE (3 AND 4): The foremost objective in the design of this project was to create a 'piazza'. A public space that could function as a community incubator that is framed by the architecture. The goal was to create a space where pedestrians can circulate freely, and where commercial spaces can spill out onto the sidewalk. We aim to create public space that will invite sitting, gathering and function as a destination for the occupants and users of all 7 buildings. The 'piazza' directly connects the mixed-use buildings 1, 2, 3 and 4 but is also oriented to the "neighborhood" of the apartment buildings 5, 6 and 7. The entire project becomes a cohesive collection of residents and visitors mingling among the potential of restaurants, daycare, veterinarian clinic, coffee shop, hair salon and office space easily accessible and walkable from all parts.

In addition to the hardscapes of the piazza there is a tremendous amount of soft landscaping of grass, trees and plantings; areas to sit on the grass or throw a disc.

FINDING: SATISFIED WITH CONDITIONS. The property will be developed as a single parcel. As described above, the design provides for internal pedestrian circulation as well as connections from the site to external pedestrian facilities and to the BPA trail. The on-site circulation provides multiple pedestrian routes to and through the site and its amenities and pedestrian gathering places. Gathering areas are provided in the design and with the provision of the plaza. **As a condition of approval, the applicant will also construct frontage improvements, including sidewalks and bike lanes.**

5. Bike Friendly. Great Neighborhoods are bike friendly for people of all ages and abilities.

- a. Neighborhoods shall include a bike network that provides for a safe and enjoyable biking experience, and that encourages an increased use of bikes by people of all abilities for a variety of reasons, including, but not limited to, health, transportation, and recreation.*
- b. Bike connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces.*

6. Connected Streets. Great Neighborhoods have interconnected streets that provide safe travel route options, increased connectivity between places and destinations, and easy pedestrian and bike use.

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a. Streets shall be designed to function and connect with the surrounding built environment and the existing and future street network, and shall incorporate human scale elements including, but not limited to, Complete Streets features as defined in the Comprehensive Plan, grid street networks, neighborhood traffic management techniques, traffic calming, and safety enhancements.

b. Streets shall be designed to encourage more bicycle, pedestrian and transit mobility with a goal of less reliance on vehicular mobility.

7. Accessibility. *Great Neighborhoods are designed to be accessible and allow for ease of use for people of all ages and abilities.*

a. To the best extent possible all features within a neighborhood shall be designed to be accessible and feature elements and principles of Universal Design.

b. Design practices should strive for best practices and not minimum practices.

APPLICANT'S RESPONSE (5, 6 AND 7): The City's Bicycle Pedestrian Access Trail (BPA) runs directly along the East edge of the project. The drawings show and Applicant will ensure that there will be a clear, open and inviting connection from the BPA through this project. Bicyclists and pedestrians will be able to come from all the neighborhoods surrounding this project and ride up to the piazza and stop at any of the retail spots throughout. The people who will live in these apartments will be able to ride right up to their front doors. The center of this project, the "piazza", is designed to act as the heart of this development and is connected to the entire project. Once constructed the piazza will also function as a hub of commercial activity that will then draw from the surrounding neighborhood around it with pedestrian, bike and vehicle entrances from multiple sides. The site and project are all connected by hardscape and landscaping that will incorporate universal design standards making it very accessible to all people using whatever mode of transportation. Applicant feels the design of this project entails the best practices and not just the minimum practices. We feel this is evident in the design.

FINDING: SATISFIED WITH CONDITIONS. The property will be developed as single site. The applicant's response addresses this principle.

8. Human Scale Design. *Great Neighborhoods have buildings and spaces that are designed to be comfortable at a human scale and that foster human interaction within the built environment.*

a. The size, form, and proportionality of development is designed to function and be balanced with the existing built environment.

b. Buildings include design elements that promote inclusion and interaction with the right-of-way and public spaces, including, but not limited to, building orientation towards the street or a public space and placement of vehicle-oriented uses in less prominent locations.

c. Public spaces include design elements that promote comfortability and ease of use at a human scale, including, but not limited to, street trees, landscaping, lighted public areas, and principles of Crime Prevention through Environmental Design (CPTED).

9. Mix of Activities. *Great Neighborhoods provide easy and convenient access to many of the destinations, activities, and local services that residents use on a daily basis.*

a. Neighborhood destinations including, but not limited to, neighborhood-serving commercial uses, schools, parks, and other community services, shall be provided in locations that are easily accessible to surrounding residential uses.

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b. Neighborhood-serving commercial uses are integrated into the built environment at a scale that is appropriate with the surrounding area.

c. Neighborhoods are designed such that owning a vehicle can be optional.

10. Urban-Rural Interface. Great Neighborhoods complement adjacent rural areas and transition between urban and rural uses.

a. Buffers or transitions in the scale of uses, buildings, or lots shall be provided on urban lands adjacent to rural lands to ensure compatibility.

APPLICANT'S RESPONSE (8, 9, AND 10): The design presented is comprised of 17% building footprints, and 35% parking lots and driveways. The remaining 48% is open spaces comprised of landscaping, grass lawns, sidewalks and the piazza creating a scale very appealing to humans. Applicant also strongly maintains that the project needs to have three story buildings – rather than 1 or 2 stories – as the additional height helps maintain the human scale. As currently designed, the project has so much pedestrian space that it needs the taller buildings to contain it and to bring it all together. When you are sitting, walking, or riding in this piazza you will be in a unique and singular space. Smaller buildings will not create this feeling. Combining the apartments and retail spaces around the piazza and landscaped open spaces will maximize the mix of activities in this neighborhood. At this size, this project will have enough density to attract various retail tenants to the neighborhood. There is an abundance of indoor and outdoor areas for retail customers, apartment residents and members of the surrounding neighborhoods to enjoy a wide variety of activities. The piazza is designed to allow some automobile traffic to facilitate the operation of businesses but designed to keep it at a minimum. The piazza can also be closed off from traffic to allow day or weekend use as a farmers' market, retail bazaar or large community event while keeping all access and parking available.

Likewise, the apartment buildings 5, 6 and 7 on the West end finish the "enclosure" of the complex and, by their design provide a transition from the urban mixed-use buildings to the neighboring farms to the West. The apartment buildings are three stories but designed with a rural or farmhouse type appearance attempting to provide that buffer or transition from the rural to the urban.

The applicant reiterates that 30,000 square feet of retail space is a lot of retail for the outskirts of town. To get this amount of commercial space and the desired number of apartments it is necessary to have three story buildings. Without three stories one cannot get even the currently allowed 120 apartments. And Increasing the number of apartments from 120 to 144 makes this project much more feasible.

FINDING: SATISFIED WITH CONDITIONS. As previously addressed, the mixed-use and residential designs are human-scaled and oriented to a pedestrian-oriented street/piazza.

The scale of design features – landscaping, trees, lighting, etc. is design to be human-scaled. The master plan includes a mix of uses as well as a mix of on-site amenities.

The site is bounded by urban standard streets on three sides and is predominantly surrounded by residential use and development, (noting the substation immediately to the east). Across Hill Road to the west is land outside the UGB, now planted in a hazelnut orchard. Most of the west side of Hill Road north of the roundabout is already platted for lots for detached homes. The proposed master includes open space on the east side of Hill Road between the multi-dwelling structures and Hill Road.

11. Housing for Diverse Incomes and Generations. Great Neighborhoods provide housing opportunities for people and families with a wide range of incomes, and for people and families in all stages of life.

Attachments:

Attachment 1 - Application and Attachments; Attachment 2 – TIA Review Letter; Attachment 3 - Public Testimony

a. A range of housing forms and types shall be provided and integrated into neighborhoods to provide for housing choice at different income levels and for different generations.

12. Housing Variety. *Great Neighborhoods have a variety of building forms and architectural variety to avoid monoculture design.*

a. Neighborhoods shall have several different housing types.

b. Similar housing types, when immediately adjacent to one another, shall provide variety in building form and design.

APPLICANT'S RESPONSE (11 AND 12): The project offers a variety of much needed housing types for the city. The current project has 144 units with 2bd, 1bd and studio apartments that vary in size providing a range of pricing options. Also within the first floor commercial area is the potential of work/live spaces that will provide another unique housing type allowing people to set up an office at home or a flexible workspace at home to design or create products or services. As the applicant, we believe the design evokes a variety of building forms and appearances that support the intended uses. Applicant's designers have made these buildings fit together but still have variations in appearance creating a visually appealing project.

FINDING: SATISFIED. This development will provide options as described by the applicant and will also contribute additional housing forms and types to the neighborhood and surrounding area further diversifying the housing in the area. With the multi-dwelling structures and mixed-use structures, there is variety in architectural design avoiding a repetitive "monoculture" appearance.

13. Unique and Integrated Design Elements. *Great Neighborhoods have unique features, designs, and focal points to create neighborhood character and identity. Neighborhoods shall be encouraged to have:*

a. Environmentally friendly construction techniques, green infrastructure systems, and energy efficiency incorporated into the built environment.

b. Opportunities for public art provided in private and public spaces.

c. Neighborhood elements and features including, but not limited to, signs, benches, park shelters, street lights, bike racks, banners, landscaping, paved surfaces, and fences, with a consistent and integrated design that are unique to and define the neighborhood.

APPLICANT'S RESPONSE: The proposed project with the mixed-use and residential elements starts and ends with unique and integrated design elements. The project uses a mix of differing hardscapes, sidewalks and vehicle paths for everyone to use as they connect throughout the project. In addition to the central piazza space which has seating, streetlights, banners and individualized awnings, there is a plaza with a location for public art, bike shelter, varying types of seating for intimate or larger groups dispersed around the site. All of this is done with careful thought and attention within an integrated design providing a unique feel for what we believe will become a unique destination for the City of McMinnville.

FINDING: SATISFIED. While this will be single property, it will serve on-site residents and the public. The applicants response and proposed plans address this principle.

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 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 a master plan. This process provides for public notice and review by the Planning Commission through a public hearing with a final decision made by the City Council.

ZONING ORDINANCE**Chapter 17.11. Residential Design and Development Standards.**

17.11.011 Applicability. *The residential design and development standards in this chapter are applicable to all new housing construction, residential conversions, and new additions that comprise 50% or more of the structure.*

APPLICANT'S RESPONSE: The buildings on this site will include new housing construction, thus this code is applicable to the site.

FINDING: SATISFIED WITH CONDITIONS: The applicant is requesting approval of the Planned Development master plan at this time. The plan was designed based on these standards. However, upon submittal of a building permit application with structural drawings, the applicant will need to demonstrate compliance with applicable design and development standards.

17.11.013 Zoning Table of Allowed Housing Types.

The table below depicts what housing type is allowed in each zone.

<i>Housing Types</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>R-5</i>	<i>O-R</i>	<i>C-1</i>	<i>C-2</i>	<i>C-3</i>
<i>Apartments (All Apartment Types) (17.11.090)</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>L</i>	<i>Y</i>	<i>L</i>	<i>N</i>	<i>N</i>	<i>Y</i>

Y = Yes, Allowed

L = Limited, (see footnotes in housing types development standards tables)

N = No, Prohibited

Attachments:

Attachment 1 - Application and Attachments; Attachment 2 – TIA Review Letter; Attachment 3 - Public Testimony

APPLICANT'S RESPONSE: The underlying zone of C-3 allows apartments as a housing type at the site. Apartments are proposed.

FINDING: SATISFIED. The proposed use is permitted in the C-3 zone and by Ordinance 5086.

Chapter 17.33. C-3 Zone.

FINDING (Chapter 17.33): SATISFIED. The property is subject to the provisions of the C-3 zone, as modified by the provisions of the Planned Development Overlay Ordinance 5086. Apartments are a permitted use in the C-3 zone, subject to the provisions of the R-4 zone. Some of those provisions are governed by the provisions of Planned Development Overlay Ordinance 5086, which contains some provisions which are more restrictive than those of the C-3 and R-4 zones. The R-4 zone specifies that density maximum may not apply to permitted housing types other than single attached dwellings. In addition, some of the multi-dwelling standards in 17.11.090, including some standards for a lot over 14,000 square feet in size, supersede some provisions of the R-4 zone.

Chapter 17.57. Landscaping and Chapter 17.58. Trees

...

FINDING (Chapters 17.57 and 17.58): The applicant has not requested concurrent review of the landscape plan. Therefore, submittal of an application for landscape plan review for review and approval by the Landscape Review committee will be required prior to issuance of a building permit as a condition. The street tree planting plan will be part of the landscape plan submittal.

Chapter 17.60. Off-Street Parking and Loading

APPLICANT'S RESPONSE:

[NOTE: This response was included in applicant's response to Condition 5c of Ordinance 5086, and the table below with calculations is attached to as part of the application, at larger scale].

The proposed parking is based upon 1.5 parking stalls for every residential unit and 1 parking stall for every 250 square feet of commercial use. The shared parking total is 30% based on the minimum parking requirements and the total number of stalls being proposed. No reduction in parking minimums is requested, thus no parking impact study is provided. We currently are estimating that the parking usage will be 10% retail, 25% dining, and 65% office (professional and other) on the commercial side. This would make the average between the 1/250 and 1/300. We are estimating that residential usage will be higher during the off hours of the commercial side. We feel the 30% shared parking is right in line with the city's ordinance and the mixed uses of the site. Section 5(b), encourages the use of "Shared parking" between residential and commercial buildings and thus no reduction in parking minimums is requested and no parking impact study is provided.

Additionally, we have numerous bike parking around the site and a large, covered bike corral at an easily accessible area off of the public plaza with a connection to the BPA and other Bike/Pedestrian access.

Attachments:

Attachment 1 - Application and Attachments; Attachment 2 – TIA Review Letter; Attachment 3 - Public Testimony

SITE

6.628 ACRES

288,716 SF

COMMERCIAL

5 ACRES (MIN)

217,800 SF

RESIDENTIAL

1.628 ACRES

70,916 SF

DU'S

120 UNITS MAX PER ORDINANCE 5086

144 UNITS PROPOSED

BUILDING	STORIES	FOOTPRINT AREA (GSF)	RESIDENTIAL GSF	2BR	1BR	STUDIO	UNITS	STAIRS	COMMERCIAL GSF	TOTAL GSF	NOTES
BLDG 1	3	10,596	21,192	12	8	4	24		10,596	31,788	
BLDG 2	3	10,596	21,192	12	8	4	24		10,596	31,788	Ground floor initially will have (4) Live/Work units. These are in addition to listed total of residential units for building.
BLDG 3	3	4,533	9,066	4	6	2	12		4,533	13,599	Ground floor initially will have (2) Live/Work units. These are in addition to listed total of residential units for building.
BLDG 4	3	4,533	9,066	4	6	2	12		4,533	13,599	Ground floor initially will have (3) Live/Work units. These are in addition to listed total of residential units for building.
BLDG 5	3	6,499	19,497	9	12	3	24			19,497	
BLDG 6	3	6,499	19,497	9	12	3	24			19,497	
BLDG 7	3	6,499	19,497	9	12	3	24			19,497	
TOTAL		49,755	119,007				144		30,258	149,265	
% OF SITE		17.23%									

PARKING REQUIRED	REQ'D	PROVIDED	NOTES
RESIDENTIAL	216		1.5 SPACES/UNIT, LIVE/WORK UNITS CALCULATED AT RESIDENTIAL RATE
COMMERCIAL	122		1 SPACE / 250 SF GENERAL RETAIL RATE
TOTAL	338	260	78 SHARED SPACES 30% SHARED SPACES

BICYCLE PARKING

COMMERCIAL USES

13

RESIDENTIAL USES

NONE REQUIRED

TOTAL

13

62

REQ'D

PROVIDED

NOTES

1 SPACE PER 10 AUTOMOBILE SPACES

RESIDENTIAL USES ARE EXEMPT FROM BIKE PARKING REQUIREMENTS

SITE COVERAGE

25% BUILDINGS MAX

17.23% BUILDINGS PROPOSED

FINDING (Chapter 17.60. Off-Street Parking and Loading): SATISFIED WITH CONDITIONS. The plans submitted by the applicant, together with the above responses, demonstrate compliance with the off-street parking and loading standards of Chapter 17.60, subject to review of the final building plans for consistency with additional provisions including ADA parking provisions.

Chapter 17.61. Solid Waste and Recycling Enclosure Plan

17.61.030 Guidelines and Standards (Trash Enclosure)

17.61.030 Guidelines and Standards.

A. The location of an enclosure must allow for collection agency drive-in access. A fifty-foot (50) access approach is recommended. In addition to the approach, either an exit that allows the truck to move forward or a turn area with a minimum radius of 46.5 feet is preferred. Both approach and location shall be unobstructed and free of over head wires and low hanging trees. An eighteen-foot (18) minimum height clearance above the enclosure approach is required and a thirty-two-foot (32) vertical clearance is required above the container itself. The enclosure shall be of sufficient size to store trash and recycling receptacles, the size of which shall be determined by the collection agency and will be based on proposed use. A minimum distance of two-feet (2) is required between the container and existing or proposed structures. The enclosure shall be a minimum of six-feet (6) tall or six inches (6) higher than the top of the tallest container.

B. Solid waste enclosures shall not be located within twenty-feet (20) of a required front or exterior yard and should be placed at the rear of a building whenever possible. Should an enclosure be placed within a required landscaped front or exterior yard, additional landscaping must be provided elsewhere on the property to compensate for the encroachment into the required landscaped yard.

Attachments:

Attachment 1 - Application and Attachments; Attachment 2 – TIA Review Letter; Attachment 3 - Public Testimony

Any modifications to required landscaping must meet the approval of the Landscape Review Committee.

C. 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.

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

E. 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.

F. Gates that screen the containers are required and must remain closed at all times except at times of service.

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.

H. Solid waste and recycling enclosures must be placed in a location that is compatible with the City of McMinnville's Fire Code.

FINDING (CHAPTER 17.61. SOLID WASTE AND RECYCLING ENCLOSURE PLAN): SATISFIED WITH CONDITIONS. Upon submittal of the landscape plan and final building plans, the applicant shall demonstrate compliance with these provisions, including landscaping.

Chapter 17.62. Signs

APPLICANT'S RESPONSE: *See applicant's response to Conditions of Approval of Ordinance 5086. The applicant is not proposing signage at this time.*

FINDING (Chapter 17.62. Signs): SATISFIED WITH CONDITIONS. As a condition of approval, the applicant shall separately submit applications for sign permits. The applications will be reviewed for consistency with the applicable sign regulations of this Chapter and the specific provisions of Planned Development Overlay Ordinance 5086.

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