



City of McMinnville
Planning Department
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STAFF REPORT – Exhibit 3

DATE: May 16, 2019
TO: Planning Commission Members
FROM: Chuck Darnell, Senior Planner
SUBJECT: PUBLIC HEARING: PDA 6-18 (Planned Development Amendment)

STRATEGIC PRIORITY & GOAL:

 <p>GROWTH & DEVELOPMENT CHARACTER Guide growth & development strategically, responsively & responsibly to enhance our unique character.</p>	 <p>HOUSING OPPORTUNITIES <small>(ACROSS THE INCOME SPECTRUM)</small> Create diverse housing opportunities that support great neighborhoods.</p>
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Report in Brief:

This is a quasi-judicial hearing to consider a request for a Planned Development Amendment (PDA 6-18). The applicant, KWDS, LLC, on behalf of property owners Gene A. McMullin (representing McMullin Family Residual Trust) and Phyllis A. Moyer (representing Phyllis Moyer Living Trust), is requesting to amend Planned Development Overlay District Ordinance 4709, as amended by Ordinance 4863, by amending a condition of approval that currently limits use of the site to professional office, medical office, senior condominiums, senior apartments, assisted living facilities, and other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility. The requested amendment is to add multiple-family residential dwellings to that list of allowable uses in the existing Planned Development Overlay condition of approval.

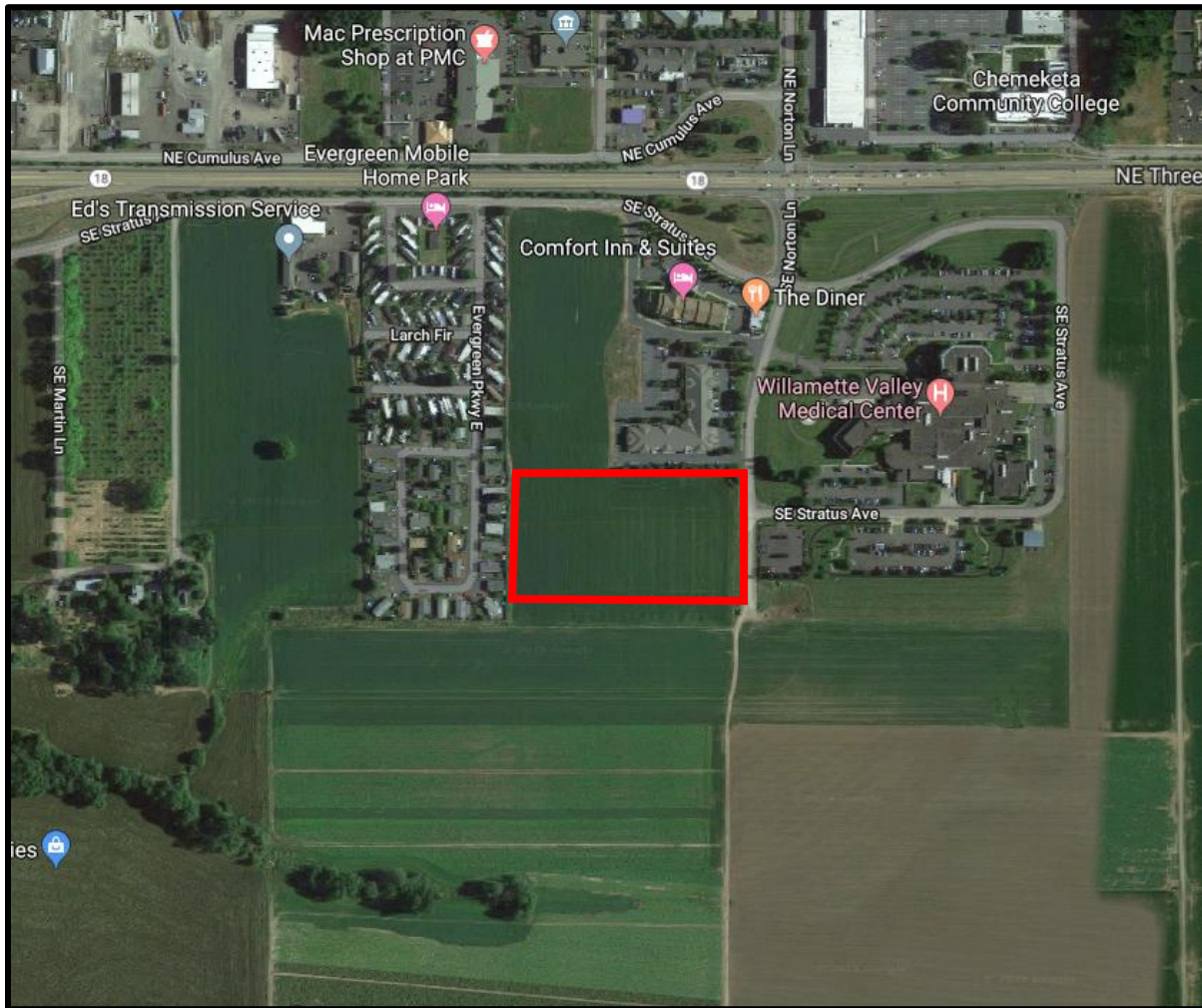
Background:

The subject site is located west of SE Norton Lane, near the termination of SE Norton Lane at the existing city limits. The property is more specifically described as Parcel 1, Partition Plat 99-47. The property is also identified as Tax Lot 701, Section 27, T. 4 S., R. 4 W., W.M. The subject site and existing planned development (Ordinance 4709) boundary is provided in Figure 1 below:

Attachments:

Attachment A: Decision, Findings of Fact and Conclusionary Findings for the Approval of PDA 6-18

Attachment B: PDA 6-18 Application Materials

Figure 1. Subject Site and Existing Planned Development Boundary

In 1999, the City adopted Ordinance 4709, which amended the Comprehensive Plan Map designation and zoning of the subject site, and also adopted a Planned Development Overlay District on the subject site. The adoption of Ordinance 4709 resulted in the zoning of the subject site being C-3 PD (General Commercial Planned Development). Ordinance 4709 included 20 Conditions applicable to development within the planned development boundary. These conditions remain in effect, and Condition 15 specifically limited uses as follows:

“Condition 15. That the subject site is limited to professional office use or medical office use, or other compatible, small scale commercial uses such as delicatessen, florist, or day care facility. Uses other than professional office use or medical office use may not exceed fifteen (15) percent of the total floor area proposed to be constructed within the subject site. Drive-up restaurants; automobile, boat, trailer, or truck rental sales or service; building materials supply stores; recreational vehicle parks; storage garage or mini-warehouse buildings; and, automobile service stations are prohibited from locating on the site.”

In 2006, the Planned Development (Ordinance 4709) was amended by Ordinance 4863. This amendment added senior condominiums, senior apartments, or assisted living facilities as permitted uses to Condition 15. The amended condition of approval by Ordinance 4863 remains in effect, and the allowed uses for the subject site are limited as follows:

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*“Condition 15. That the subject site is limited to professional office use or medical office use, **or senior condominiums, senior apartments, or assisted living facilities**, or other compatible, small scale commercial uses such as delicatessen, florist, or day care facility. Uses other than professional office use, medical office use, **or senior condominiums, senior apartments, or assisted living facilities**, may not exceed fifteen (15) percent of the total floor area proposed to be constructed within the subject site. Drive-up restaurants; automobile, boat, trailer, or truck rental sales or service; building materials supply stores; recreational vehicle parks; storage garage or mini-warehouse buildings; and, automobile service stations are prohibited from locating on the site.”*

The applicant is now requesting to amend Condition 15 again to add multiple family residential uses to the list of allowed uses in the Planned Development Overlay District.

Discussion:

The decision and/or recommendation for this land-use application is dependent upon whether or not the application meets state regulations, the McMinnville Comprehensive Plan and the McMinnville Municipal Code. The application can either meet these criteria as proposed, or a condition of approval can be provided that either outlines what needs to occur to meet the criteria or when something needs to occur to meet the criteria. Attached is a decision document that provides the Findings of Fact and Conclusionary Findings for the requested Planned Development Amendment. This document outlines the legal findings on whether or not the application meets the applicable criteria and whether or not there are conditions of approval that, if achieved, put the application in compliance with the criteria.

A Planned Development Overlay District is a method of adopting a specialized zone for specific property that has refined design and development standards to allow for better development within the City of McMinnville than would normally occur with just strict interpretation of the Zoning Ordinance.

Generally, the purpose of a planned development is to provide greater flexibility and greater freedom of design in the development of land than may be possible under strict interpretation of the provisions of the zoning ordinance. Further, the purpose of a planned development is to encourage a variety in the development pattern of the community; encourage mixed uses in a planned area; encourage developers to use a creative approach and apply new technology in land development; preserve significant man-made and natural features; facilitate a desirable aesthetic and efficient use of open space; and create public and private common open spaces. A planned development is not intended to be simply a guise to circumvent the intent of the zoning ordinance.

The Planned Development Amendment application (PDA 6-18) is subject to the Planned Development Amendment review criteria in Section 17.74.070 of the Zoning Ordinance. An amendment to an existing planned development may be either major or minor. Minor changes to an adopted site plan or planned development regulation may be approved by the Planning Director. Major changes to an adopted site plan or planned development regulation shall be processed in accordance with Section 17.72.120. The Planning Director has determined that the request to change the allowable uses on the site is a major change, and thus the application is being reviewed by the Planning Commission in accordance with Section 17.72.120. The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

The specific review criteria for Planned Development Amendments in Section 17.74.070 of the McMinnville Zoning Ordinance require the applicant to demonstrate that:

- 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;

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- B. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;
- C. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;
- D. The plan can be completed 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;
- F. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;
- 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.

Consideration of a planned development request includes weighing the additional benefits provided to the development and city as a whole through the planned development process that go above and beyond what would be provided through a land use application reviewed against the standard zoning requirements. It should be noted that the McMinnville Zoning Ordinance does not contain mechanisms to achieve many of the additional benefits possible through Planned Development outside of that process.

The applicant has provided a narrative and findings to support the request for the Planned Development Amendment based on their proposed additional benefits to the community that would be provided through the amendment, mainly in their argument that the amendment would allow for the provision a housing type that is needed in the community and that the proposed use is permitted in the underlying C-3 (General Commercial) zoning district.

Overall, staff concurs with the applicant's arguments. The proposed Planned Development Amendment would provide additional benefits to the community and the City as a whole by expanding the allowable uses on the subject site and providing an opportunity for a variety of land uses in the area of the planned development overlay district. The proposal would provide greater flexibility in the development of land, encourage mixed uses in the planned area, and allow for the development of a housing type that is needed in the community. A condition of approval is included (supported by findings for applicable Comprehensive Plan policies in the attached Decision Document) to require that, if the site is developed with multiple family dwellings, the owner or developer will create private common open space within the site for the benefit of future residents. Also, there are existing conditions of approval on the Planned Development Overlay District (Conditions 2, 3, and 4 of Ordinance 4709) that require site plan and landscape plan review and approval by the Planning Commission and Landscape Review Committee, respectively, prior to any development of the subject site. These conditions would ensure review of any future site design for compliance with Comprehensive Plan policies and conditions of approval that are more specific to the development of the site, such as architectural standards, internal traffic and circulation, pedestrian amenities, and required open space.

Below is a table summarizing the application's compliance with critical criteria. The Decision Document for the land-use application has the detailed analysis and findings for this compliance:

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PDA 6-18 (Planned Development Amendment, Ordinance No. 4709)

Issue	Notes	Condition to Help Meet Criteria
Addition of Multiple-Family Residential as an allowed use in the Planned Development Overlay District	Meets numerous Comp Plan Policies and Code Criteria: <ul style="list-style-type: none"> • Chapter V (Housing and Residential Development) policies supporting high density housing and multiple family uses • C-3 zone allows multiple family dwellings as a permitted use 	Condition of Approval #1 – Amends Condition 15 of Ordinance 4709 to allow multiple family dwellings as an allowed use
Subject site meeting all locational factors to be considered for high density residential use	Site is not adjacent or near any public or private open space, as required by Comprehensive Plan Policies 71.13, 75.00, and 76.00	Condition of Approval #1 – Requires a minimum of 10% of the area of the site to be set aside for usable open space, if the site is developed with multiple family residential uses

Commission Options:

- 1) Close the public hearing and forward a recommendation for **APPROVAL** of the application to the McMinnville City Council, per the decision document provided which includes the findings of fact.
- 2) **CONTINUE** the public hearing to a specific date and time.
- 3) Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.
- 4) Close the public hearing and **DENY** the application, providing findings of fact for the denial in the motion to deny.

Recommendation:

Staff recommends approval of the land-use application with the conditions specified in the decision document. A recommended motion is provided below.

MOTION FOR PDA 6-18:

BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION RECOMMENDS THAT THE CITY COUNCIL APPROVE PDA 6-18, SUBJECT TO THE CONDITIONS OF APPROVAL PROVIDED IN THE DECISION DOCUMENT.

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