



City of McMinnville
Planning Department
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STAFF REPORT – EXHIBIT 2

DATE: September 19, 2019
TO: Planning Commission Members
FROM: Chuck Darnell, Senior Planner
SUBJECT: PUBLIC HEARING: CU 3-19 (Conditional Use) and TML 2-19 (Three Mile Lane Development Review)

STRATEGIC PRIORITY & GOAL:

 <p>GROWTH & DEVELOPMENT CHARACTER Guide growth & development strategically, responsibly & responsibly to enhance our unique character.</p>	 <p>HOUSING OPPORTUNITIES (ACROSS THE INCOME SPECTRUM) 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 Conditional Use (CU 3-19) and Three Mile Lane Development Review (TML 2-19) from applicant Sam Thomas, on behalf of property owner McMinnville Memory Care, LLC. The request is to approve Conditional Use and Three Mile Lane Development Review requests to allow for the development of a memory care facility with 44 beds for residence by elderly individuals who suffer from Alzheimer’s dementia, and other age-related mental ailments.

Background:

The subject site is located at 235 NE Dunn Place. The property is more specifically described as Parcel 1, Partition Plat 2004-33. The property is also identified as Tax Lot 1700, Section 22CD, T. 4 S., R. 4 W., W.M. The subject site is provided in Figure 1 below:

Attachments:

- Attachment A: Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of CU 3-19*
- Attachment B: Decision, Conditions, Findings of Fact and Conclusionary Findings for the Approval of TML 2-19*
- Attachment C: CU 3-19 and TML 2-19 Application Materials*

Figure 1. Subject Site

In August 2012, the City adopted Ordinance 4956, which amended the zoning of the subject site, and also adopted a Planned Development Overlay District on the subject site. The adoption of Ordinance 4956 resulted in the zoning of the subject site being R-4 PD (Multiple Family Residential Planned Development). Ordinance 4956 included conditions applicable to development within the planned development area. These conditions remain in effect and one in particular adopted a master plan for the subject site. The master plan included the partition of the subject site and the dedication of new public right-of-way between two new parcels as shown on the conditional use site plans, as well as the development of a single story building on the subject site. The same condition of approval from Ordinance 4956 that approved the master plan also required that the master plan become binding on the site. Therefore, much of the development of the site is controlled by that previously approved master plan that is binding on the site, such as the street alignment and building placement. Some minor changes are proposed from the approved master plan, but they are very minor and are the result of more detailed engineering and construction plan development. These minor changes are discussed in more detail in the Conditional Use Decision Document attached to this staff report.

The approved master plan from Ordinance 4956, as well as the currently proposed site plan, are provided in Figure 2 and Figure 3 below:

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Figure 2. Previously Approved Master Plan

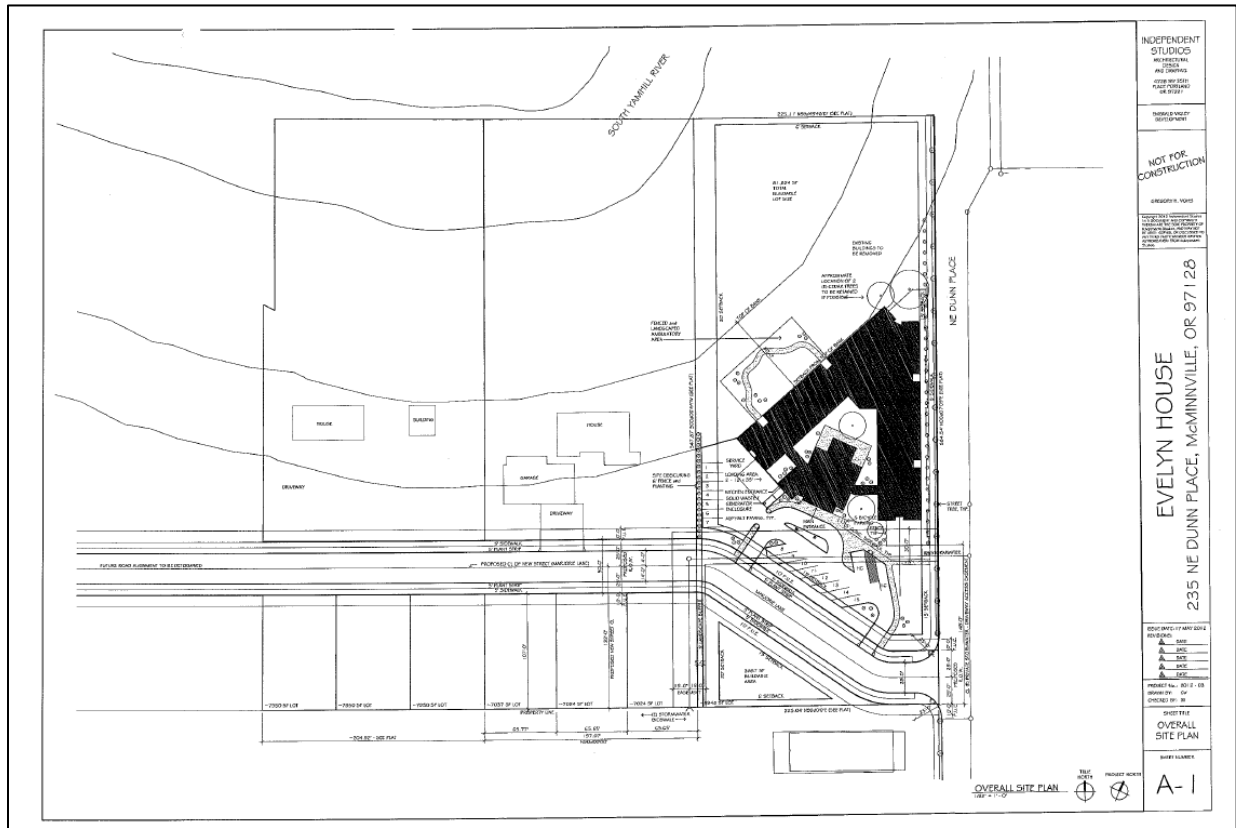
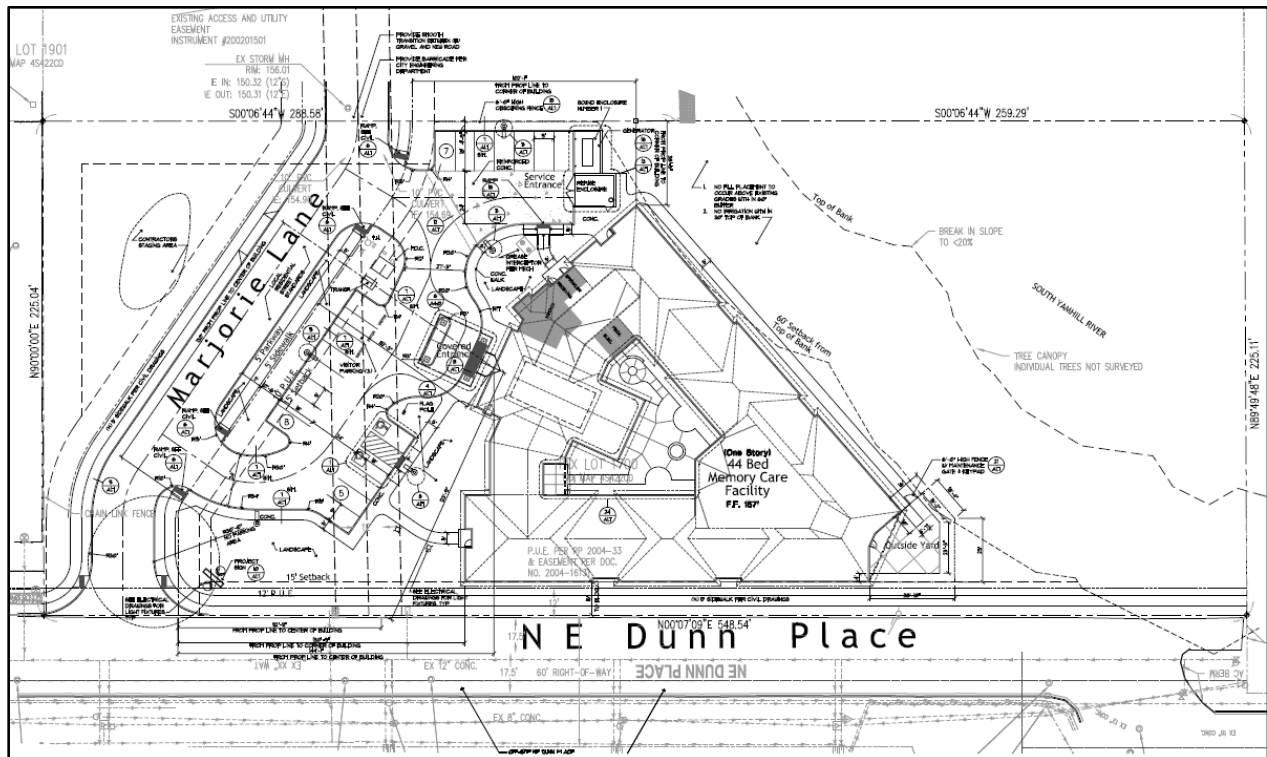


Figure 3. Proposed Site Plan



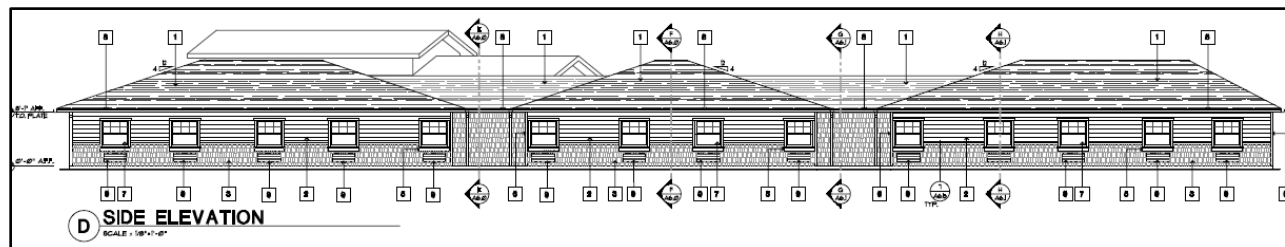
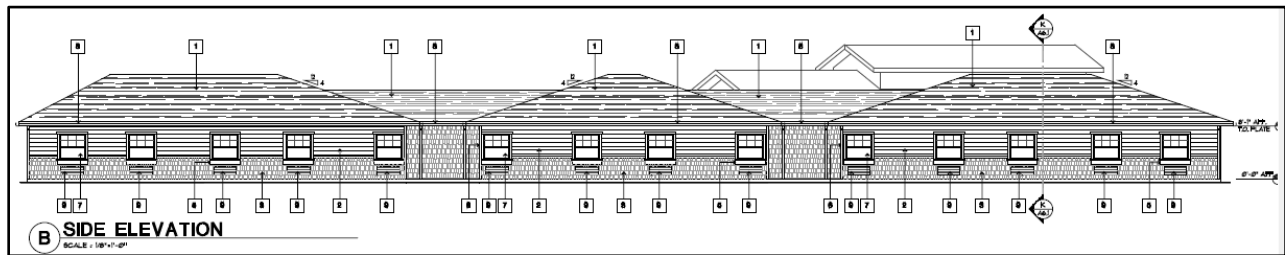
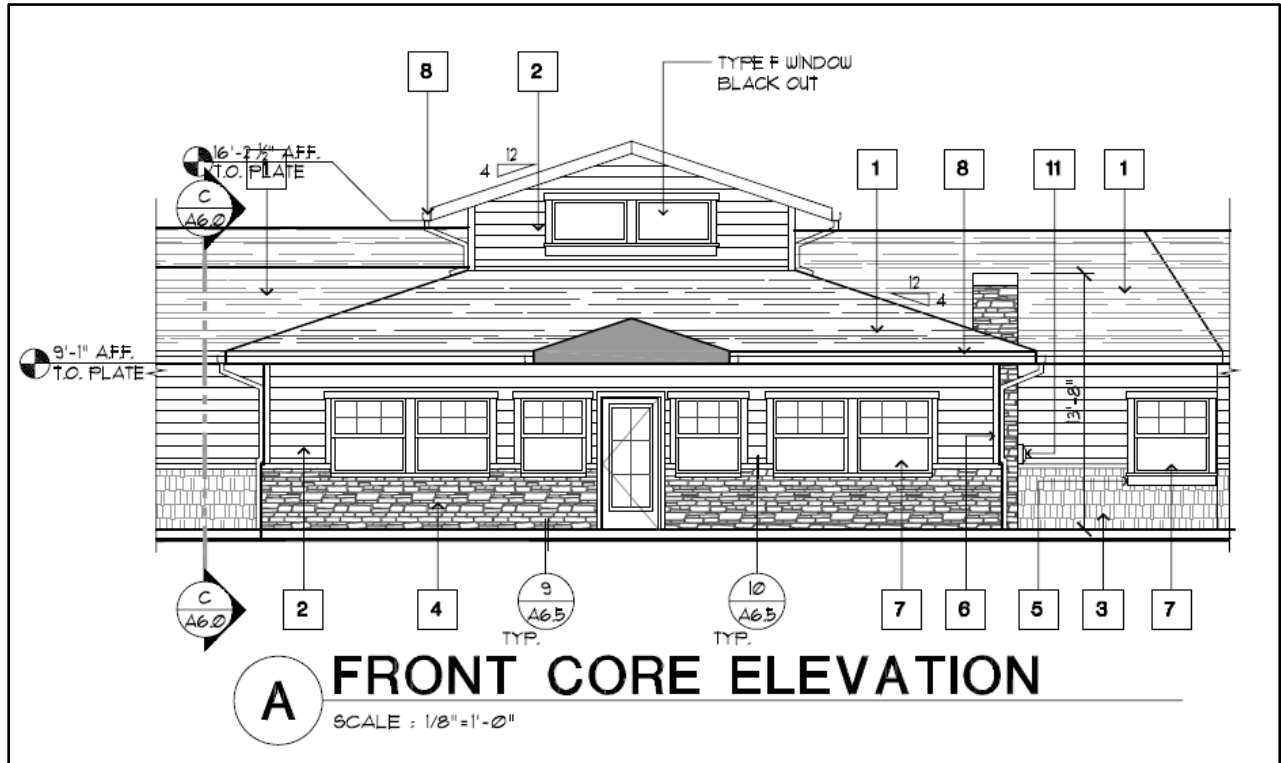
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The subject site is also located within the larger Three Mile Lane Planned Development Overlay district, which encompasses all of the McMinnville Urban Growth Boundary lands north and south of the Highway 18/Three Mile Lane corridor. The Three Mile Lane Planned Development Overlay district was adopted by Ordinance 4131 and later amended by Ordinance 4572. These ordinances include additional site and building design standards, and also require that all new development and signage be approved through a Three Mile Lane Development Review process. In addition to the site plan shown above, the applicant has provided renderings and building elevations that are requested to be approved both through the Conditional Use review as well as for the required Three Mile Lane Development Review.

The proposed building elevations and renderings are provided in Figure 4 below:

Figure 4. Proposed Building Elevations and Rendering



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Discussion:

The decisions for these land-use applications are dependent upon whether or not the applications meet state regulations, the McMinnville Comprehensive Plan and the McMinnville Municipal Code. The applications 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 are decision documents that provide the Findings of Fact and Conclusionary Findings for the requested Conditional Use and Three Mile Lane Development Review. These documents outline the legal findings on whether or not the applications meet the applicable criteria and whether or not there are conditions of approval that, if achieved, put the applications in compliance with the criteria.

The Conditional Use application (CU 3-19) is subject to the Conditional Use review criteria in Section 17.74.030 of the Zoning Ordinance. The Three Mile Lane Development Review application (TML 2-19) is subject to the policies and procedures of Ordinance 4131 (Three Mile Lane Planned Development Overlay) as amended by Ordinance 4572. Specifically, Section 4 (Policies) and Section 5 (Signs) of Ordinance 4572 include standards that apply to development within the overlay district. 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 Conditional Uses in Section 17.74.030 of the McMinnville Zoning Ordinance require the applicant to demonstrate that:

- A. The proposal will be consistent with the Comprehensive Plan and the objectives of the zoning ordinance and other applicable policies of the City;
- B. That the location, size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development;
- C. That the development will cause no significant adverse impact on the livability, value, or appropriate development of abutting properties of the surrounding area when compared to the impact of permitted development that is not classified as conditional;
- D. The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants;

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- E. The proposal will preserve environmental assets of particular interest to the community;
- F. The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property values for speculative purposes.

In judging whether or not a conditional use proposal shall be approved or denied, the Planning Commission shall weigh its appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed. The applicant has provided a narrative and findings to support the request for the Conditional Use, based on how they believe it meets the applicable review criteria and other Comprehensive Plan goals and policies.

Overall, staff concurs with the applicant's arguments and supports the approval of the Conditional Use, subject to some conditions. As discussed in more detail above, much of the site development and building placement is pre-determined by the Planned Development Overlay district and the binding master plan that was approved for the subject site by Ordinance 4956. The applicant has begun the process of partitioning the existing property as shown in the approved master plan, allowing for the memory care facility to be developed on the parcel north of the new street identified in the approved master plan. A condition of approval is suggested to be included on the Conditional Use to ensure that the partition of the property is completed, and that all applicable conditions of approval from the partition approval be completed.

The location, size, and design of the building and the other site improvements have been thoughtfully planned, with consideration of the building's massing and scale and how it relates to the surrounding existing uses. The building is only one story and limited in height, and also incorporates a variety of roof forms, particularly along the side facades that are oriented towards surrounding right-of-ways and properties. The variety in roof shape, along with a repetitive window pattern and changes in building materials, provides for façade articulation that reduces the potential visual impact and scale of the building, as the side facades are the longest individual walls on the building.

The subject site is located adjacent to the South Yamhill River, which touches the northwest corner of the property, and includes floodplain areas and a steep slope along the river bank. The applicant has provided a geotechnical report with recommendations for development of the site, including a 60 foot building setback from the top of the slope and specific building requirements for any site improvements that occur closer than 60 feet from the top of slope. The proposed site plan honors these geotechnical recommendations, which not only ensure safe development of the site but also preserve these environmental and natural features of the site. Conditions of approval are suggested by staff to ensure that the geotechnical recommendations are met during the building permit process. In order to further preserve natural features of the site, a condition of approval is included to require that existing trees within the buffer area and steep slope be preserved, and that no tree in those areas be removed without prior review and approval of the Planning Department.

Finally, the development of the site will include landscaping around the new building and street trees within the right-of-ways adjacent to the site. The development of the adjacent right-of-ways will improve the pedestrian connectivity of the surrounding area with the addition of sidewalks and planter strips. Also, the property owners will be dedicating an easement along the South Yamhill River within the 60 foot setback buffer area, which is required through a condition of approval and the completion of the partitioning of the property. This easement will allow for the future development of a Yamhill River Greenway trail, as identified in the City of McMinnville Parks, Open Space, and Recreation Master Plan, providing an additional pedestrian, bicycle, and recreational amenity for the surrounding neighborhood. A conceptual landscape plan was submitted with the conditional use plans that shows extensive landscaping within the memory care facility site, and a condition of approval is included to require that the plan be reviewed in more detail by the Landscape Review Committee.

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The applicant’s narrative and findings also respond to the proposed development of the site and how it meets the requirements of the Three Mile Lane Planned Development Overlay district. Overall, staff concurs with the applicant and finds that the minimum standards are achieved and is recommending approval of the Three Mile Lane Planned Development Review and the building elevations provided.

Below is a table summarizing the applications’ compliance with critical criteria. The Decision Documents for the land-use applications have the detailed analysis and findings for this compliance:

CU 3-19 (Conditional Use)

Issue	Notes	Condition to Help Meet Criteria
Compatibility of Development with Surrounding Neighborhood	<ul style="list-style-type: none"> • Size and Height of Building • Variation in Roof Height and Form • Building Elevations with Façade Articulation • Landscaping and Street Trees 	<p>Approved plans and elevations identify these project components</p> <p>Condition of Approval #10 & #11 – Require landscape plan review by LRC and installation of street trees</p>
No Impacts on Livability, Value, or Appropriate Development of Abutting Properties	<ul style="list-style-type: none"> • New Street Oriented to Allow Future Extension and Current Connectivity • Access to Site Limited to New Street – None on Existing Dunn Place ROW • Massing of Building Similar to Surrounding Built Form 	<p>Condition of Approval #1 – Requires partition of property to be completed with ROW dedication</p> <p>Approved plans and elevations identify these project components</p>
Operations of Facility	<ul style="list-style-type: none"> • Request to Reduce Off-Street Parking Requirement • Residents of facility will not drive, which will result in less traffic than what some permitted uses would generate. • Parking reduction decreases site area paved and used for parking and circulation. 	<p>Condition of Approval #9 – Allow for reduction of off-street parking spaces by two spaces</p>
Preservation of Natural Features	<ul style="list-style-type: none"> • Steep Slope and Floodplain on Northwest Portion of Site • Mature Trees • Yamhill River Greenway Opportunity in Parks Master Plan 	<p>Condition of Approval #1 – Requires partition of property to be completed with trail easement dedication</p> <p>Condition of Approval #2 – 7 – Ensure that site development follows geotechnical recommendations to preserve steep slope</p> <p>Condition of Approval #8 – Require tree preservation within 60 foot setback area and steep slope area</p>

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TML 2-19 (Three Mile Lane Development Review)

Issue	Notes	Condition to Help Meet Criteria
Three Mile Lane Planned Development Overlay Standards	<ul style="list-style-type: none"> • Minimum Three Mile Lane Development and Design Standards Achieved • Architecture of Building Compatible with Site and Surrounding Area • Signage for Site Identified Near Corner of NE Dunn Place and New Street 	<p>Condition of Approval #1 & #2 – Requires partition of property to be completed and Conditional Use conditions of approval to be satisfied</p> <p>Approved plans and elevations identify major project components</p> <p>Condition of Approval #3 – Require sign to be nonilluminated</p>

Commission Options:

- 1) Close the public hearing and **APPROVE** the applications, per the decision documents provided which include 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 applications with the conditions specified in the decision documents. A recommended motion is provided below.

MOTION FOR CU 3-19:

BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION APPROVES CU 3-19, SUBJECT TO THE CONDITIONS OF APPROVAL PROVIDED IN THE DECISION DOCUMENT.

MOTION FOR TML 2-19:

BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION APPROVES TML 2-19, SUBJECT TO THE CONDITIONS OF APPROVAL PROVIDED IN THE DECISION DOCUMENT.

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