



City of McMinnville
Planning Department
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EXHIBIT 1 - STAFF REPORT

DATE: October 17, 2019
TO: Planning Commission
FROM: Tom Schauer, Senior Planner
SUBJECT: Conditional Use Permit Application CU 5-19
for CrossFit Gym at 1445 NE Miller Street, Building C

STRATEGIC PRIORITY & GOAL:



GROWTH & DEVELOPMENT CHARACTER

Guide growth & development strategically, responsively & responsibly to enhance our unique character.

OBJECTIVE/S: Strategically plan for short and long-term growth and development that will create enduring value for the community

Report in Brief:

This proceeding is a quasi-judicial public hearing of the Planning Commission to consider an application for a Conditional Use Permit (CU 5-19) to operate a CrossFit Gym at 1445 NW Miller Street, Building C, (Tax Lot 2100, Section 15C, T. 4 S., R. 4 W., W.M.). The proposed use would occupy 4,000 square feet of a 10,000 square foot building. The decision of the Planning Commission is the final decision, unless appealed to City Council. The hearing is conducted in accordance with quasi-judicial hearing procedures, and the application is subject to the 120-day processing timeline. The application was deemed complete on September 20, 2019.

Background:

Subject Property & Request

The subject property is located at 1445 NE Miller Street. **See Exhibits 1 & 2.** The site is being developed with four 50'x200' 10,000 square foot industrial shell buildings in two phases. Two buildings were built in Phase 1 (Buildings A and B) and Phase 2 is being built out with the remaining two buildings (Buildings C and D). **See Exhibit 3.** Landscape plans for the site were approved with the phasing (L 39-17 and L 11-19). The parking layout for Phase 2 is revised as shown in **Exhibit 4.** The proposed use will occupy 4,000 square feet of Building C. **See Exhibit 5.**

The subject property and surrounding properties have industrial zoning. Buildings on the subject site are occupied by industrial uses, except for the proposed conditional use and portions of Building D, which have not yet been leased. Surrounding uses are also industrial or vacant.

Attachments:

Attachment A: Decision Document

Attachment B: CU 5-19 Application

Neighborhood Meeting

Before a Conditional Use Permit application can be submitted, an applicant must hold a neighborhood meeting as specified in Chapter 17.72 of the Zoning Ordinance. The applicant scheduled the required neighborhood meeting in accordance with these requirements and submitted the necessary documentation meeting with the application. The applicant waited for 30 minutes, but nobody arrived. In accordance with the Zoning Ordinance, the applicant may leave if nobody has arrived within 30 minutes of the noticed time.

Discussion

Summary of Criteria & Issues

The application is subject to Conditional Use criteria in Section 17.74.030 of the Zoning Ordinance, which are intended to “weigh the 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 proposed location.” The Planning Commission may impose conditions it finds necessary “to avoid a detrimental environmental impact and to otherwise protect the best interest of the surrounding area or the community as a whole.” The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

The proposed conditional use will be conducted within a portion of the building, with no external physical site improvements that would modify the existing approved buildings, site plan, or landscape plan. Therefore, the primary issues for the conditional use relate to compatibility of the use at the location and given the operational characteristics. These include issues such as noise, traffic, parking, hours of operation, etc. Based on the applicant’s submittal, no substantial adverse impacts were associated with the proposal. This is discussed in greater detail in the decision document. For parking analysis, the Zoning Ordinance didn’t list this specific use, so other guidelines and codes were reviewed for appropriate standards, which were applied. The site has sufficient parking for industrial tenants together with the proposed conditional use. The detailed analysis is presented in the decision document.

Public Comments

Notice of the proposed application was mailed to property owners and published in the newspaper. As of the date of this Staff Report, no public comments were received.

Agency Comments

Notice of the proposed application was sent to affected agencies and departments. Agency comments were received from the Engineering Division and McMinnville Water and Light. They responded with no comments.

Fiscal Impact:

Not Applicable to Quasi-Judicial Decision

Planning Commission Options (for Quasi-Judicial Hearing):

- 1) **APPROVE** the application as proposed by the applicant with the conditions recommended in the attached Decision Document, 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.

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- 4) Close the public hearing and **DENY** the application, providing findings of fact for the denial, specifying which criteria are not satisfied, or specifying how the applicant has failed to meet the burden of proof to demonstrate all criteria are satisfied, in the motion to deny.

Staff Recommendation:

Staff has reviewed the proposal for consistency with the applicable criteria. Absent any new evidence to the contrary presented during the hearing, staff finds that, subject to the recommended conditions specified in the attached Decision Document, the application submitted by the applicant and the record contain sufficient evidence to find the applicable criteria are satisfied.

Staff **RECOMMENDS APPROVAL** of the application, subject to the conditions specified in the attached Decision Document.

Suggested Motion:

BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, THE MATERIALS SUBMITTED BY THE APPLICANT, AND EVIDENCE IN THE RECORD, I MOVE THAT THE PLANNING COMMISSION APPROVE THE DECISION DOCUMENT AND APPROVE CONDITIONAL USE PERMIT APPLICATION CU 5-19 SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT.

Exhibit 1. Vicinity Map

Attachments:

Attachment A: Decision Document

Attachment B: CU 5-19 Application

Exhibit 2. Zoning Map

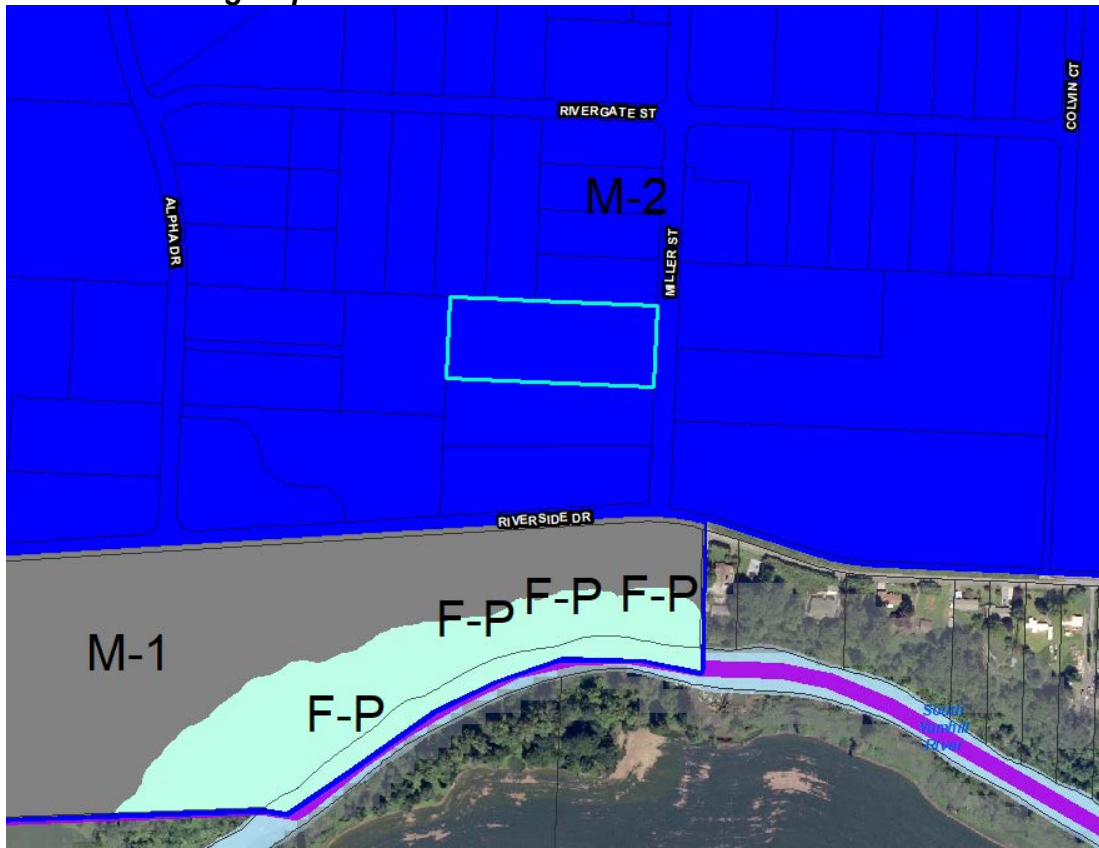
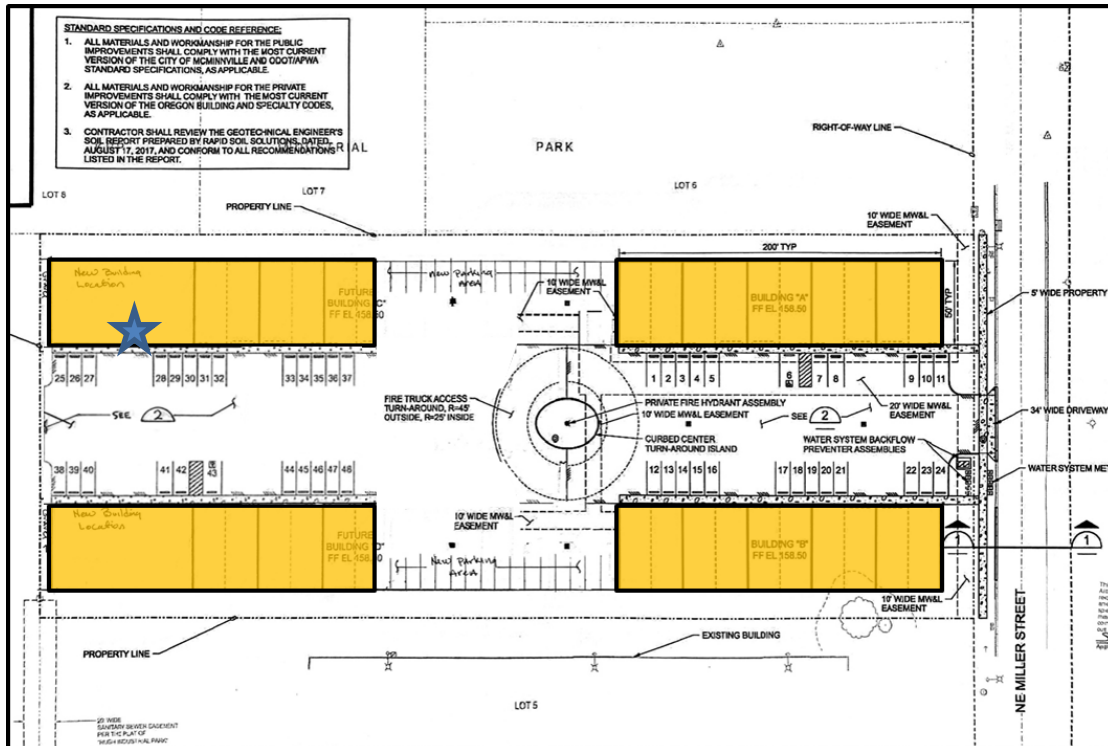


Exhibit 3. Site Plan



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Exhibit 4. Site Plan Detail, Phase 2 (with revised parking)

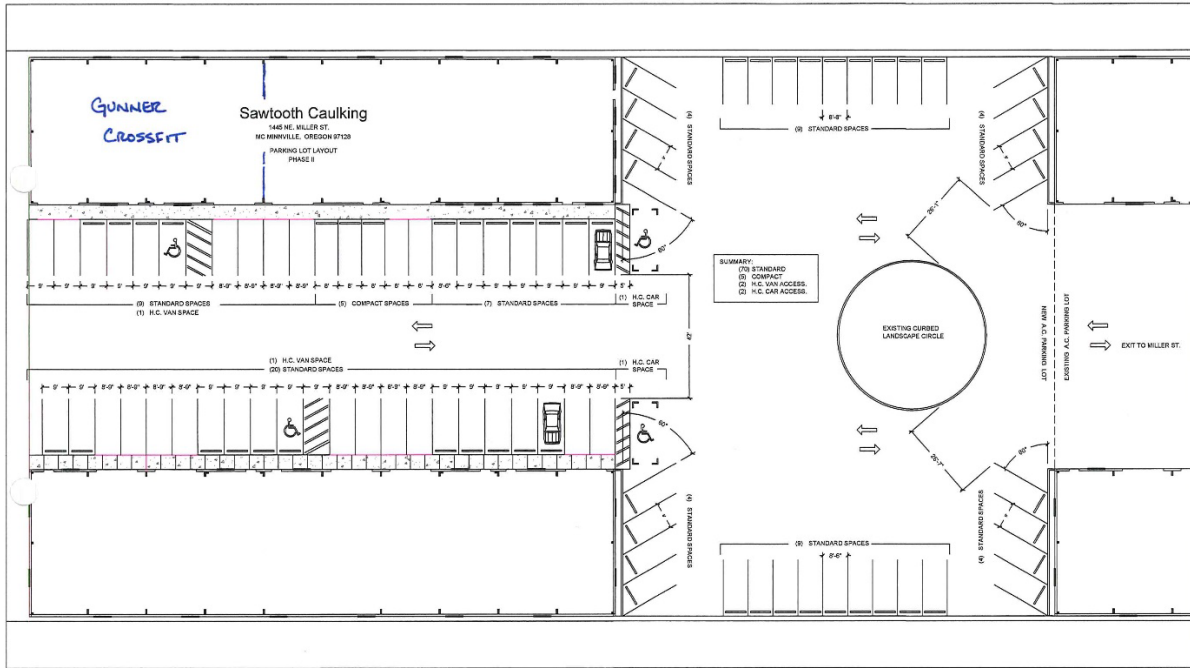
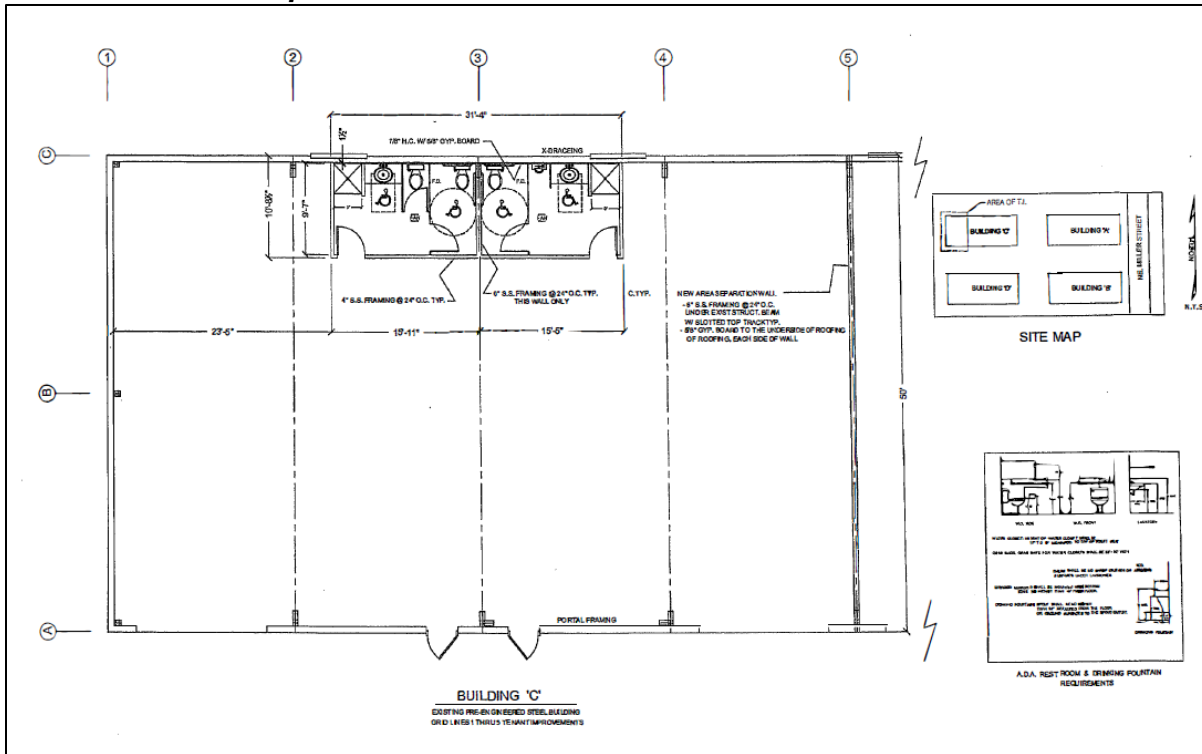


Exhibit 5. Tenant Improvement



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