



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

503-434-7311
www.mcminnvilleoregon.gov

DECISION, CONDITIONS, FINDINGS OF FACT, AND CONCLUSIONARY FINDINGS FOR APPROVAL OF THE MINOR ALTERATION OF A BUILDING AT 610 NE 4th STREET AND LOCATED IN THE DOWNTOWN DESIGN AREA

- DOCKET:** DDR 3-19 (Downtown Design Review)
- REQUEST:** Application for a Downtown Design Review of the restoration of a blocked window opening, and the change of an exterior door to an outswing door.
- LOCATION:** 610 NE 4th Street (Tax Lot 4300, Section 21BC, T. 4 S., R. 4 W., W.M.)
- ZONING:** C-3 (General Commercial).
- APPLICANT:** Chelsey Nichol, of The Bindery Event Space, on behalf of Bladine Family Limited Partnership, property owner
- STAFF:** Jamie Fleckenstein, Associate Planner
- DATE DEEMED COMPLETE:** June 17, 2019
- DECISION MAKING BODY & ACTION:** The McMinnville Planning Director makes the final decision, unless the Planning Director's decision is appealed to the Planning Commission.
- DECISION DATE & LOCATION:** July 9, 2019, Community Development Center, 231 NE 5th Street, McMinnville, Oregon.
- PROCEDURE:** An application for a Downtown Design Review is processed in accordance with the procedures in Section 17.59.030 of the Zoning Ordinance. The Planning Director may review applications for minor alterations subject to the review criteria stated in Section 17.59.040. The Historic Landmarks Committee shall review applications for major alterations and new construction, subject to the review criteria stated in Section 17.59.040. It shall be the Planning Director's decision as to whether an alteration is minor or major.
- CRITERIA:** The applicable criteria for a Downtown Design Review are specified in Section 17.59.040 of the Zoning Ordinance. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

APPEAL: An appeal of a decision by the Planning Director or Historic Landmarks Committee, including an appeal of conditions placed on the permit by the committee, may be made to the Planning Commission as outlined in Section 17.72.170.

COMMENTS: This request was determined to be a minor alteration by the Planning Director as a minor alteration, and reviewed by the Planning Director as a minor alteration. Section 17.59.030(C)(3) of the Zoning Ordinance does not require any notification for the review of minor alterations to buildings in the downtown design area.

DECISION

Based on the findings and conclusions, the Planning Director **APPROVES** the exterior alterations to the existing building at 610 NE 4th Street **subject to the conditions of approval provided in Section II of this document.**

//
DECISION: APPROVAL WITH CONDITIONS
 //

Planning Department:  _____
 Heather Richards, Planning Director

Date: July 9, 2019

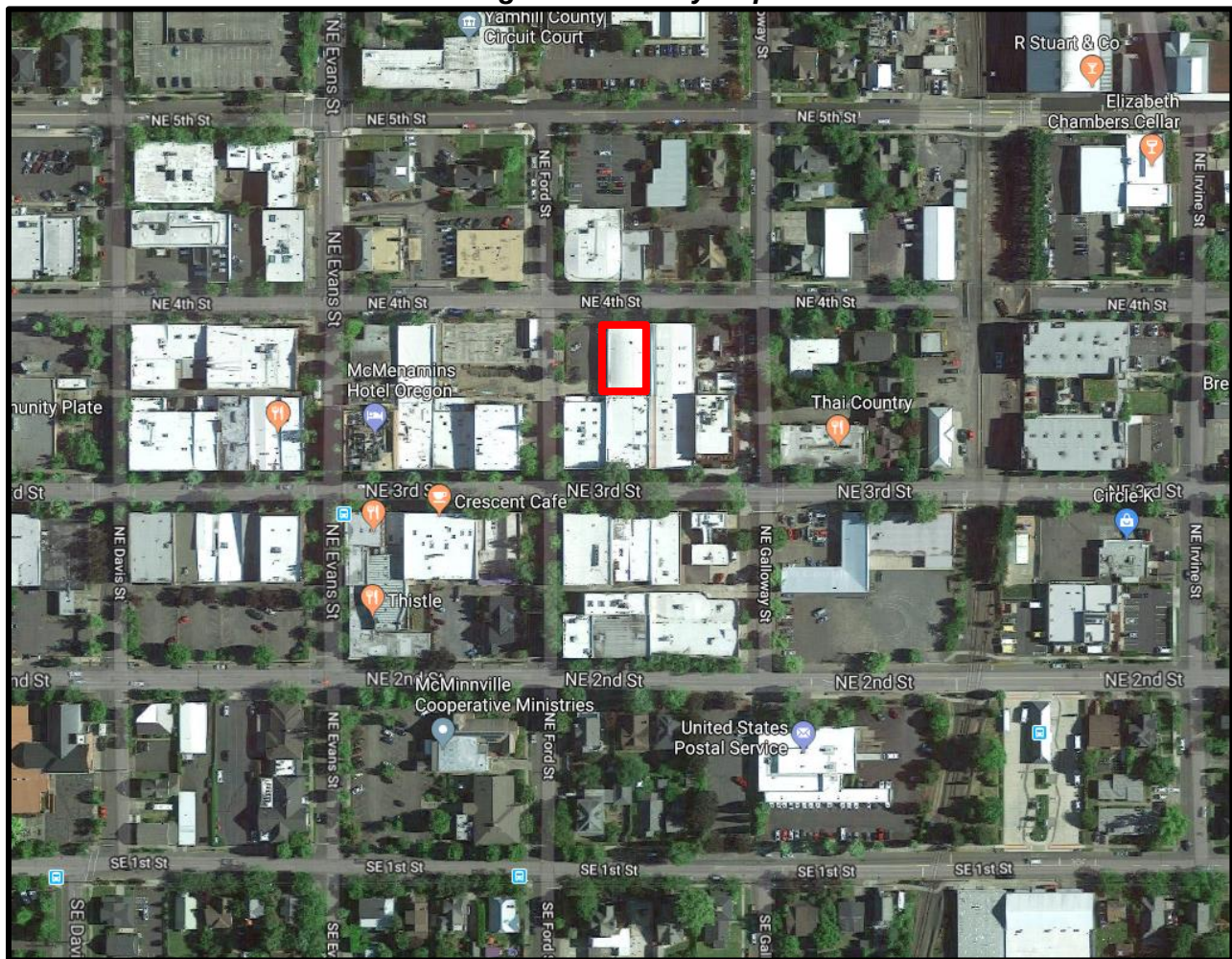
I. APPLICATION SUMMARY:

Subject Property & Request

The proposal is an application for a Downtown Design Review requesting approval to restore a blocked window opening and to change an exterior inswing door to an outswing door at a building located in the Downtown Design area. The subject property is located at 610 NE 4th Street, and is more specifically described as Tax Lot 4300, Section 21BC, T. 4 S., R. 4 W., W.M. **See Vicinity Map (Figure 1).**

The property is located within the Downtown Design Standards and Guidelines area defined in Section 17.59.020 of the Zoning Ordinance, and any exterior building or site alteration in that area is subject to the Downtown Design standards and guidelines. Section 17.59.030(C)(2) allows the Planning Director to review applications for minor alterations within the Downtown Design area. The application has been determined to be a request for minor alterations to the building exterior and site, and as such is eligible for Planning Director review.

Figure 1. Vicinity Map



Summary of Criteria & Issues

Photographs of the existing façades of the subject property where alterations are proposed are provided below. **See Figure 2 (Front Entrance) and Figure 3 (Side Entrance).** Figure 2 illustrates the exterior door at the building’s front entrance that is proposed to be changed to an outswing door, opening into

the public right-of-way along NE 4th Street. Figure 3 illustrates the side entrance where a window once existed, was blocked, and is now proposed to be replaced.

Figure 2: Front Entrance (NE 4th Street)



Figure 3: Side Entrance (NE Ford Street)



The proposed alteration of the NE Ford Street façade entails replacing a blocked window opening with a window and glazing to match windows currently in place on the same side of the building.

The changes to the front entrance door on NE 4th Street result from code requirements to accommodate a change in the occupancy of the interior space to A2 assembly space. The occupancy change necessitates the change from an inswing door to an outswing door that would open into the public right-of-way on NE 4th Street. To accommodate the outswing door, a street tree outside the door was removed and replaced in a new location, per Docket L 28-18. The sidewalk in front of the door where the tree well was located was repaired. The door swing was then reversed from inswing to outswing. Because the door now opens into the right-of-way and could pose a potential conflict to pedestrians on the sidewalk, the applicant is proposing to place concrete planters on either side of the door to create a barrier between the path of travel in the right-of-way and the open door. The two (2) planters are proposed to be a grey concrete and be planted with Shaina Japanese Maple trees. **See Figure 4 (Concrete Planter) and Figure 5 (Shaina Japanese Maple).**

Figure 4: Concrete Planter

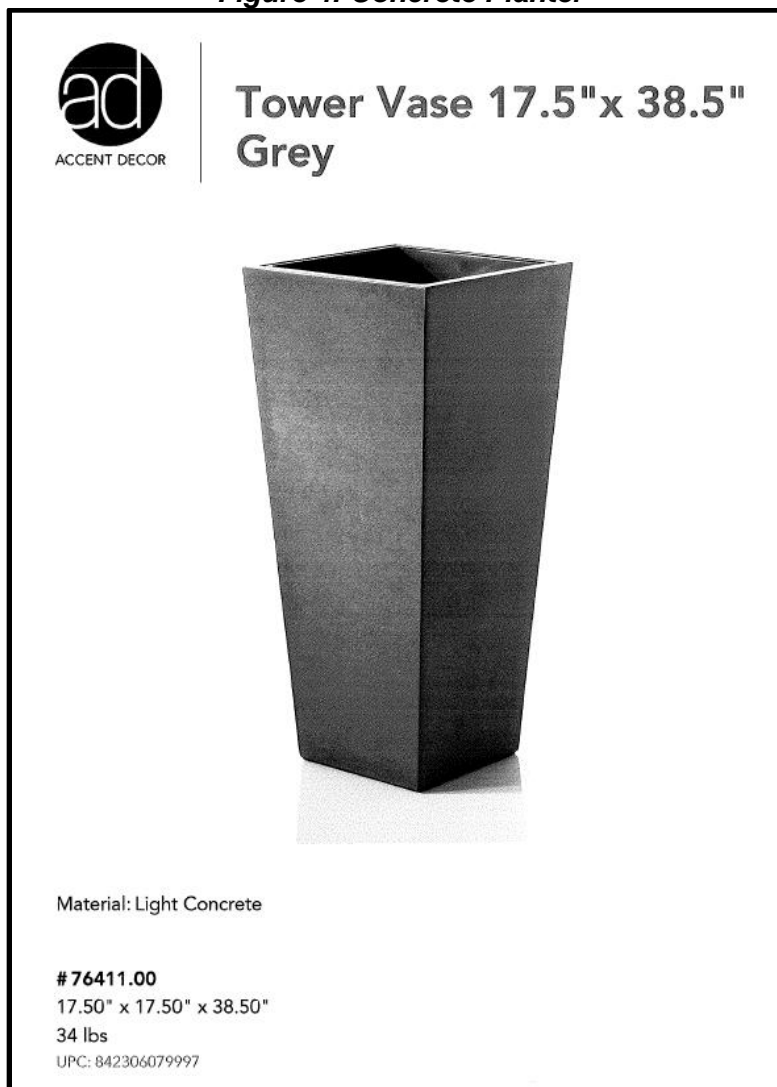


Figure 5: Shaina Japanese Maple

Acer palmatum 'Shaina' (Japanese Maple)
Japanese Maple 'Shaina'



12

Schedule

Acer palmatum 'Shaina' is a compact deciduous shrub or small tree with a pretty foliage of five pointed, narrow lobed, bright red leaves in spring, deepening to dark maroon-red in summer, and brightening again to brilliant crimson-red in fall. Born in clusters at the end of the short shoots, the leaves keep their rich color well throughout the summer and early fall. Slow growing, this dense Japanese Maple enjoys an upright, globe-shaped habit and is ideal for containers or small gardens.

- ★ Grows up to 4-6 ft. tall (120-180 cm) and 3-4 ft. wide (90-120 cm).
- ★ A **full sun** or **part shade** lover, this plant is **easily grown** in **moist, organically rich, slightly acidic, well-drained soils**. Mulch helps retain soil moisture and keep roots cool. Best leaf color in partial shade, although full sun can be tolerated. Leaf scorch can be caused by lack of soil moisture or excessive exposure.
- ★ Perfect as **specimen plant** in **cottage gardens, city gardens** or for **rock gardens and containers**.

The purpose of the Downtown Design guidelines and standards is to provide for the protection, enhancement, and preservation of buildings, structures, and other elements in the downtown core which contribute to its historic and cultural value. The proposed minor alterations are consistent with the purpose of the Downtown Design guidelines and standards. The replacement window would meet applicable review criteria for design standards, color, and materials. The addition of the non-permanent planters at the exterior of the front entrance is also consistent with the purpose of the Downtown Design guidelines. In addition to protecting the historic and cultural value, the purpose statement (17.59.010) further describes an intent to build on “main street” qualities that currently exist within the downtown and to reflect the “sense of place” in the downtown core. Non-permanent site furnishings, such as the proposed planters, and similar design elements are found throughout the downtown core. Such features, including planters at the entrances of buildings and storefronts, add to the vibrancy of the downtown experience and add natural landscape elements to the downtown streetscape. While there are no specific review criteria in the Downtown Design standards for non-permanent site furnishings, the request to use planters with small trees to create a safer path of travel in the public right-of-way is consistent with what is found throughout the downtown core, and, therefore, the purpose of the Downtown Design standards.

II. CONDITIONS:

1. The applicant needs to provide the Planning Director with the design and specifications for the window replacement prior to installation to ensure compatibility with existing windows.

III. ATTACHMENTS:

1. Downtown Design Review 3-19 Application (on file with the Planning Department)

IV. COMMENTS:

This matter was not referred to other public agencies for comment as it was determined to be a minor alteration to the building.

V. FINDINGS OF FACT – PROCEDURAL FINDINGS:

1. The applicant, Chelsey Nichol of The Bindery Event Space, on behalf of Bladine Family Limited Partnership, property owner, submitted a Downtown Design Review application (DDR 3-19) on May 16, 2019.
2. Following the receipt of a site plan on June 4, 2019, the application was deemed complete on June 17, 2019.
3. The Planning Director determined the proposed alterations to be minor alterations, and therefore no notice of the downtown design review request was provided to surrounding property owners. The Planning Department did not receive any public testimony prior to the Planning Director's decision.

VI. FINDINGS OF FACT - GENERAL FINDINGS:

1. **Location:** 610 NE 4th Street (Tax Lot 4300, Section 21BC, T. 4 S., R. 4 W., W.M.)
2. **Size:** Approximately 0.41 acres
3. **Comprehensive Plan Map Designation:** Commercial
4. **Zoning:** C-3 (General Commercial)
5. **Overlay Zones/Special Districts:** Downtown Design Review, Historic Downtown District
6. **Current Use:** Event space
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None
 - b. **Other:** None
8. **Other Features:** None
9. **Utilities:**

Attachments:

Attachment 1 – Downtown Design Review Application

- a. **Water:** Water service is available to the subject site.
- b. **Electric:** Power service is available to the subject site.
- c. **Sewer:** Sanitary sewer service is available to the subject site.
- d. **Stormwater:** Storm water is collected in drains in NE 4th Street and NE 3rd Street and is routed to manholes in NE Ford Street.
- e. **Other Services:** Other utility services are available to the subject site. Northwest Natural Gas and Comcast is available to serve the site.

10. **Transportation:** NE 4th Street and NE Ford Street are classified as a Local Residential Street in the McMinnville 2010 Transportation System Plan (TSP)

VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Downtown Design Review are specified in Section 17.59.040 of the Zoning Ordinance.

In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

Comprehensive Plan Volume II:

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

The implementation of most goals, policies, and proposals as they apply to this application 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 to this application.

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

GOAL III 2: TO PRESERVE AND PROTECT SITES, STRUCTURES, AREAS, AND OBJECTS OF HISTORICAL, CULTURAL, ARCHITECTURAL, OR ARCHAEOLOGICAL SIGNIFICANCE TO THE CITY OF McMINNVILLE.

APPLICANT'S RESPONSE: The applicant did not provide a written response specific to this Goal.

FINDING: SATISFIED. The focus of the comprehensive plan goal is to restore and preserve structures that have special historical or architectural significance. The subject site is located in the Downtown Design Area and is also located in the Historic Downtown District that is listed on the National Register of Historic Places. One proposed alteration restores an architectural feature (window) in the building façade that had previously been removed and the opening blocked. The replacement window would match existing windows that meet Downtown Design Standards for Historic Properties. This will restore and preserve the building's architectural and historical significance. Proposed alterations to the front entrance door do not change the buildings structure or architecture, preserving the architectural and historical significance of the building. Therefore, the Comprehensive Plan goal is satisfied by the proposal.

Attachments:

Attachment 1 – Downtown Design Review Application

GOAL VI 1: TO ENCOURAGE DEVELOPMENT OF A TRANSPORTATION SYSTEM THAT PROVIDES FOR THE COORDINATED MOVEMENT OF PEOPLE AND FREIGHT IN A SAFE AND EFFICIENT MANNER.

Policy 132.24.00: The safety and convenience of all users of the transportation system including pedestrians, bicyclists, transit users, freight, and motor vehicle drivers shall be accommodated and balanced in all types of transportation and development projects and through all phases of a project so that even the most vulnerable McMinnville residents – children, elderly, and persons with disabilities – can travel safely within the public right-of-way. Examples of how the Compete Streets policy is implemented:

2. *Incorporate features that create a pedestrian friendly environment, such as:*
 - g. *Street furniture, street trees, and landscaping*

APPLICANT’S RESPONSE: The applicant did not provide a written response specific to this Goal and Policy.

FINDING: SATISFIED. The proposed planters at the building entrance on NE 4th Street are consistent with this Comprehensive Plan Goal and Policy. The location of the planters on either side of the outswing door demark a zone where a pedestrian walking on the sidewalk could be struck by the door as it opened and swung out into the right of way. The planters would divert pedestrian traffic around this zone, thereby making the path of travel in the right-of-way safer for all users. The incorporation of small ornamental trees in the planters helps to create a pedestrian friendly environment in the streetscape adjacent to the building entrance. The use of a pedestrian scaled elements with a contrasting color to the building (the red leaves of the Japanese Maple) would distinguish the entry zone of the building in a pedestrian friendly way.

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

Policy 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: The applicant did not provide a written response specific to this Goal and Policy.

FINDING: SATISFIED. Goal X 1 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials prior to the Planning Director’s review of the request. All members of the public have access to provide testimony and ask questions during the public review and meeting process.

McMinnville Zoning Ordinance

The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) provide criteria applicable to the request:

Chapter 17.59 - Downtown Design Standards and Guidelines

17.59.020 Applicability.

- A. The provisions of this Chapter shall apply to all lands located within the area bounded to the west by Adams Street, to the north by 4th Street, to the east by Kirby Street, and to the

Attachments:

Attachment 1 – Downtown Design Review Application

south by 1st Street. Lands immediately adjacent to the west of Adams Street, from 1st Street to 4th Street, are also subject to the provisions of this Chapter.

- B. The provisions of this ordinance shall apply to the following activities conducted within the above described area:
1. All new building construction;
 2. Any exterior building or site alteration; and,
 3. All new signage.

APPLICANT’S RESPONSE: The applicant did not provide a written response specific to this section.

FINDING: SATISFIED. The subject site is located within the Downtown Design area described in Section 17.59.020(A), and the applicant is proposing exterior alterations to an existing building. Therefore, the provisions of the Downtown Design Standards and Guidelines chapter are applicable to the proposed alterations.

17.59.030 Review Process.

- A. An application for any activity subject to the provisions of this ordinance shall be submitted to the Planning Department and shall be subject to the procedures listed in (B) through (E) below.
- B. Applications shall be submitted to the Planning Department for initial review for completeness as stated in Section 17.72.040. The application shall include the following information:
1. The applicant shall submit two (2) copies of the following information:
 - a. A site plan (for new construction or for structural modifications).
 - b. Building and construction drawings.
 - c. Building elevations of all visible sides.
 2. The site plan shall include the following information:
 - a. Existing conditions on the site including topography, streetscape, curbcuts, and building condition.
 - b. Details of proposed construction or modification to the existing structure.
 - c. Exterior building elevations for the proposed structure, and also for the adjacent structures.
 3. A narrative describing the architectural features that will be constructed and how they fit into the context of the Downtown Historic District.
 4. Photographs of the subject site and adjacent property.
 5. Other information deemed necessary by the Planning Director, or his/her designee, to allow review of the applicant’s proposal. The Planning Director, or his/her designee, may also waive the submittal of certain information based upon the character and complexity (or simplicity) of the proposal.
- C. Review Process
1. Applications shall be submitted to the Planning Department for initial review for completeness as stated in Section 17.72.040. The Planning Director shall review the application and determine whether the proposed activity is in compliance with the requirements of this ordinance.
 2. The Planning Director may review applications for minor alterations subject to the review criteria stated in Section 17.59.040. The Historic Landmarks Committee shall review applications for major alterations and new construction, subject to the review criteria stated in Section 17.59.040. It shall be the Planning Director’s decision as to whether an alteration is minor or major.
 3. Notification shall be provided for the review of applications for major alterations and new construction, subject to the provisions of Section 17.72.110.

Attachments:

Attachment 1 – Downtown Design Review Application

- a. The Historic Landmarks Committee shall meet within 30 (thirty) days of the date the application was deemed complete by the Planning Department. The applicant shall be notified of the time and place of the review and is encouraged to be present, although their presence shall not be necessary for action on the plans. A failure by the Planning Director or Historic Landmarks Committee, as applicable, to review within 30 (thirty) days shall be considered an approval of the application.
- b. If the Planning Director or Historic Landmarks Committee, as applicable, finds the proposed activity to be in compliance with the provisions of this ordinance, they shall approve the application.
- c. If the Planning Director or Historic Landmarks Committee, as applicable, finds the proposed activity in noncompliance with the provisions of this ordinance, they may deny the application, or approve it with conditions as may be necessary to bring the activity into compliance with this ordinance.

APPLICANT’S RESPONSE: The applicant did not provide a written response specific to this section.

FINDING: SATISFIED. The applicant submitted an application and materials as required, and the application was reviewed by the Planning Department for completeness as stated in Section 17.72.040. During the review of the application, the Planning Director determined that the proposed alterations were minor alterations, as the alterations involve replacement of a window that had previously been removed, and the addition of impermanent site features at a building entrance. Section 17.59.030(C)(2) allows for the Planning Director to decide whether an alteration is minor or major. Notification was not provided to surrounding property owners, as the proposed alterations were determined to be minor. Minor alterations to be reviewed by the Planning Director do not require property owner notification.

17.59.040 Review Criteria.

- A. In addition to the guidelines and standards contained in this ordinance, the review body shall base their decision to approve, approve with conditions, or deny the application, on the following criteria:
 1. The City’s historic preservation policies set forth in the Comprehensive Plan;
 2. If a structure is designated as a historic landmark on the City’s Historic Resources Inventory or is listed on the National Register for Historic Places, the City’s historic preservation regulations in Chapter 17.65, and in particular, the standards and guidelines contained in Section 17.65.060(2); and

APPLICANT’S RESPONSE: The applicant did not provide a written response specific to this section.

FINDING: SATISFIED WITH CONDITION #1. The proposal was found to be consistent with the City’s historic preservation policies and goals, as describe in more detail above. Also, the proposal was found to be consistent with the City’s historic preservation regulations in Chapter 17.65. The proposed alterations include replacing a previously blocked window opening with a window to match existing windows, and the placement of concrete planters adjacent to an exterior outswing door. Those alterations were found to be minor alterations, as described above and as allowed by the review process in the Downtown Design Standards and Guidelines chapter of the McMinnville Municipal Code. The Historic Preservation chapter (Chapter 17.65) of the McMinnville Municipal Code defines alterations differently, and allows for general repairs when the new materials match those already in use. The application materials indicate the replacement window would be consistent with materials that are already in use on the building, so historic preservation review was not required for the proposed alterations. A condition has been included to require the applicant to provide the Planning Director with the design and

Attachments:

Attachment 1 – Downtown Design Review Application

specifications for the window replacement prior to installation to ensure compatibility with the existing windows.

PROPOSED CONDITION FOR FINDING: The applicant needs to provide the Planning Director with the design and specifications for the window replacement prior to installation to ensure compatibility with existing windows.

17.59.050 Building and Site Design.

C. Building Materials.

3. Exterior building colors shall be of low reflective, subtle, neutral or earth tone color. The use of high intensity colors such as black, neon, metallic or florescent colors for the façade of the building are prohibited except as may be approved for building trim.

APPLICANT’S RESPONSE: The applicant did not provide a written response specific to this section.

FINDING: SATISFIED. The application indicates that the new window will match the windows currently on the same side of the building, including the color. The color of the existing windows is a dark, black color. The color, “Black Beauty”, was previously approved in Docket DDR 6-18 for use on building trim. Therefore, matching the color of the proposed window to that of the existing windows would be consistent with the exterior colors of the building and the Downtown Design Standards and Guidelines.

JF