

ORDINANCE NO. 5102

AN ORDINANCE APPROVING TML 2-20, A THREE MILE LANE DESIGN REVIEW FOR DRIVE-UP SIGNAGE AT 225 NE NORTON LANE, MCDONALD'S RESTAURANT.

RECITALS:

On April 7, 1981, the McMinnville City Council approved Ordinance No. 4131, creating a Three Mile Lane Planned Development Overlay that provided design and development guidelines for the property within the city limits on the north and south side of Highway 18 (Three Mile Lane); and

On November 8, 1994, the McMinnville City Council approved Ordinance No. 4572, amending Ordinance No. 4131, providing additional design and development standards for the Three Mile Land Planned Development Overlay; and

On January 22, 2021, the Planning Department received application TML 2-20 (Three Mile Lane Development Review) from Alexander Taam, Freiheit Architecture, on behalf of McDonald's Corporation, to add a second drive-thru to their site; and

At the same time, on January 22, 2021, the Planning Department received an application from Alexander Taam, Freiheit Architecture, on behalf of McDonald's Corporation to amend the ordinances governing the Three Mile Lane Planned Development Overlay to allow drive-up signage in Zone 2 of the overlay; and

A public hearing before the McMinnville Planning Commission was held on February 18, 2021, after due notice had been provided in the local newspaper on February 9, 2021, and written notice had been mailed to property owners within 300 feet of the affected property; and

At said public hearing, the application materials and a staff report were presented, and applicant and public testimony was received.

The Planning Commission, being fully informed about said request, found that the requested Three Mile Lane Overlay Design Review application conformed to the applicable Comprehensive Plan goals and policies and review criteria based on the material submitted by the applicant and the findings of fact and conclusionary findings for approval contained in Exhibit A if ZC 2-20 was approved; and

The Planning Commission, by a vote of 9-0, recommended approval of said Three Mile Lane Development Review to the McMinnville City Council; and

On March 9, 2021, the City Council voted to approve Ordinance No. 5101 amending the Three Mile Lane Planned Development Overlay allowing drive-up signage in Zone 2, and approving ZC 2-20; and

The City Council having received the Planning Commission recommendation and staff report, and having deliberated;

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

1. That the Council adopts the Decision, Conditions, Findings of Fact and Conclusionary Findings as documented in Exhibit A approving TML 2-20; and
2. That this Ordinance shall take effect 30 days after its passage by the City Council.

Passed by the Council this 9th day of March 2021, by the following votes:

Ayes: Drabkin, Garvin, Geary, Menke, Chenoweth

Nays: _____

Scott A. Hu

MAYOR

Attest:

Approved as to form:

Claudia Cisneros

CITY RECORDER

J. Little

CITY ATTORNEY



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

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DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF THREE MILE LANE DEVELOPMENT REVIEW FOR THE ADDITION OF A SECOND DRIVE-THRU SERVICE LANE AND ASSOCIATED SIGNAGE AT 225 NE NORTON LANE.

- DOCKET:** TML 2-20 (Three Mile Lane Development Review)
- REQUEST:** Application for Three Mile Lane Development Review to allow for the construction of a second drive-through service lane and associated signage at a McDonald's restaurant within the Three Mile Lane Planned Development Overlay District.
- LOCATION:** 225 NE Norton Lane (Tax Lot 1602, Section 22CD, T.4 S., R. 4 W., W.M.)
- ZONING:** C-3 PD (General Commercial Planned Development)
- APPLICANT:** Alexander Taam, Freiheit Architecture, on behalf of McDonald's Corporation, property owner
- STAFF:** Jamie Fleckenstein, Associate Planner
- DATE DEEMED COMPLETE:** January 22, 2021
- HEARINGS BODY & ACTION:** The McMinnville Planning Commission makes a recommendation for approval or denial to the City Council.
- HEARING DATE & LOCATION:** February 18, 2021, Civic Hall, 200 NE 2nd Street, McMinnville, Oregon, and Zoom Online Meeting ID 936 9511 5511.
- DECISION-MAKING BODY & ACTION:** The McMinnville City Council makes a final decision for approval or denial to the City Council.
- DECISION DATE & LOCATION:** March 9, 2021, Civic Hall, 200 NE 2nd Street, McMinnville, Oregon, and Zoom Online Meeting ID 918 8312 0529.
- PROCEDURE:** The application for Three Mile Lane Development Review was submitted concurrently with an application for a Zoning Text Amendment. As described in Section 17.72.070 of the McMinnville Municipal Code, concurrent applications shall be processed simultaneously and subject to the hearing procedure that affords the most opportunity for public hearing and notice. Therefore, the application for Three Mile Lane Development Review shall be processed in accordance with the procedures in Section 17.72.120 of the McMinnville

Municipal Code. The application is reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the McMinnville Municipal Code.

CRITERIA: The applicable criteria are specified in Section 4 (Policies) and Section 5 (Signs) of the Three Mile Lane Planned Development Overlay (Ordinance No. 4131 as amended by Ordinance No. 4572). 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: As specified in Section 17.72.190 of the McMinnville Municipal Code, the City Council's decision may be appealed to the Land Use Board of Appeals (LUBA) within 21 (twenty-one) days of the date written notice of decision is mailed. The City's final decision is subject to a 120 day processing timeline, including resolution of any local appeal. The 120 day deadline is May 22, 2021.

COMMENTS: This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Public Works Department, Building Department, Parks Department, Wastewater Services; and City Manager; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Oregon Department of State Lands; Oregon Department of Transportation; Frontier Communications; Comcast; Recology; and Northwest Natural Gas. Comments received are incorporated in this document.

DECISION

Based on the findings and conclusionary findings, the City Council finds the applicable criteria are satisfied with conditions and **APPROVES** the Three Mile Lane Development Review (TML 2-20) **subject to conditions of approval provided in this document.**

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DECISION: APPROVAL
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City Council: _____ Date: 3-9-2021
Scott Hill, Mayor of McMinnville

Planning Commission: Roger A. Hall Date: March 11, 2021
Roger Hall, Chair of the McMinnville Planning Commission

Planning Department: HRB Date: 3/12/2021
Heather Richards, Planning Director

I. APPLICATION SUMMARY:

Subject Property & Request

The proposal is an application for Three Mile Lane Development Review to allow for the construction of a second drive-thru service lane and associated signage at a McDonald's restaurant within the Three Mile Lane Planned Development Overlay district. The subject site is located at 225 NE Norton Lane and is more specifically described as Tax Lot 1602, Section 22CD, T.4 S., R. 4 W., W.M. The property is located within Zone 2 of the Three Mile Lane Planned Development Overlay district.

The subject property is located on the west side of NE Norton Lane, north of NE Cumulus Avenue. The subject property is zoned C-3 (General Commercial).

See Vicinity Map (Figure 1), Zoning Map (Figure 2), Applicant's Proposed Site Plan (Figure 3), and Applicant's Proposed Signage Plans (Figure 4) below.

Figure 1: Vicinity Map (Subject Site Approximate)

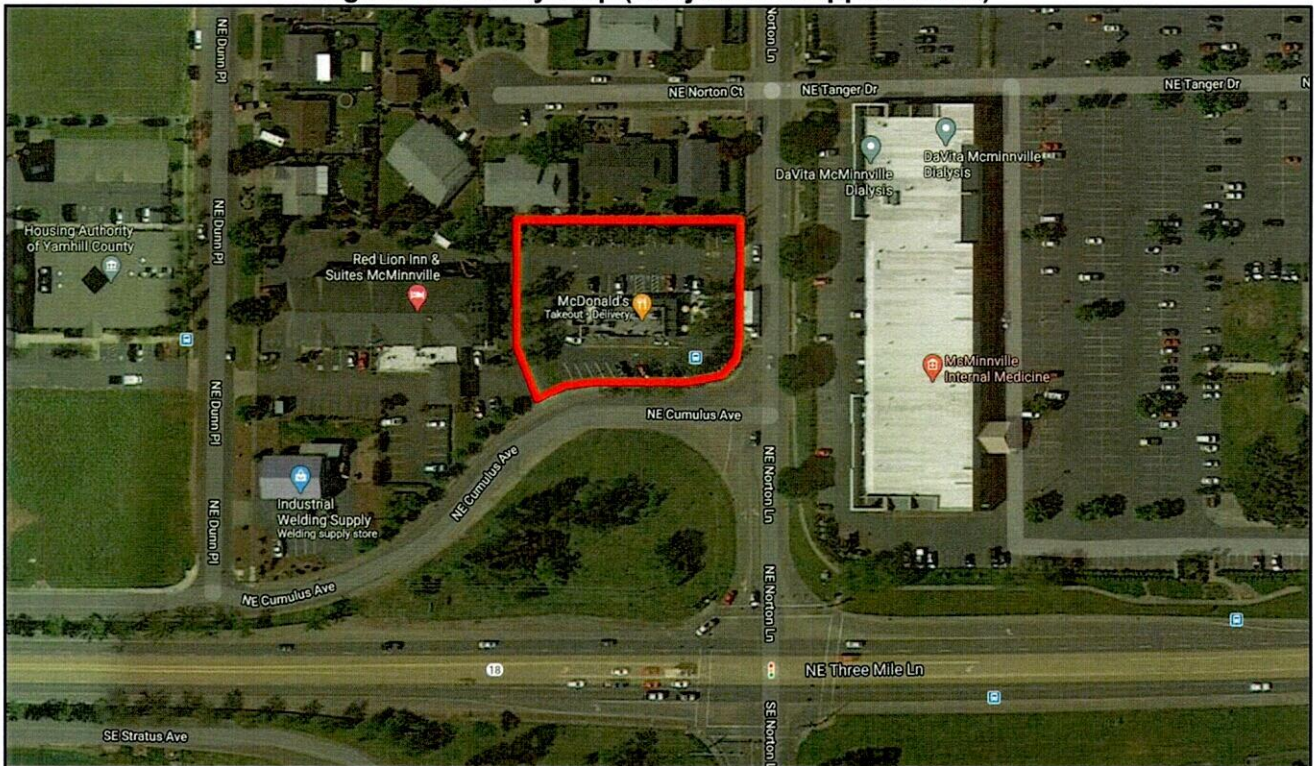


Figure 2: Zoning Map

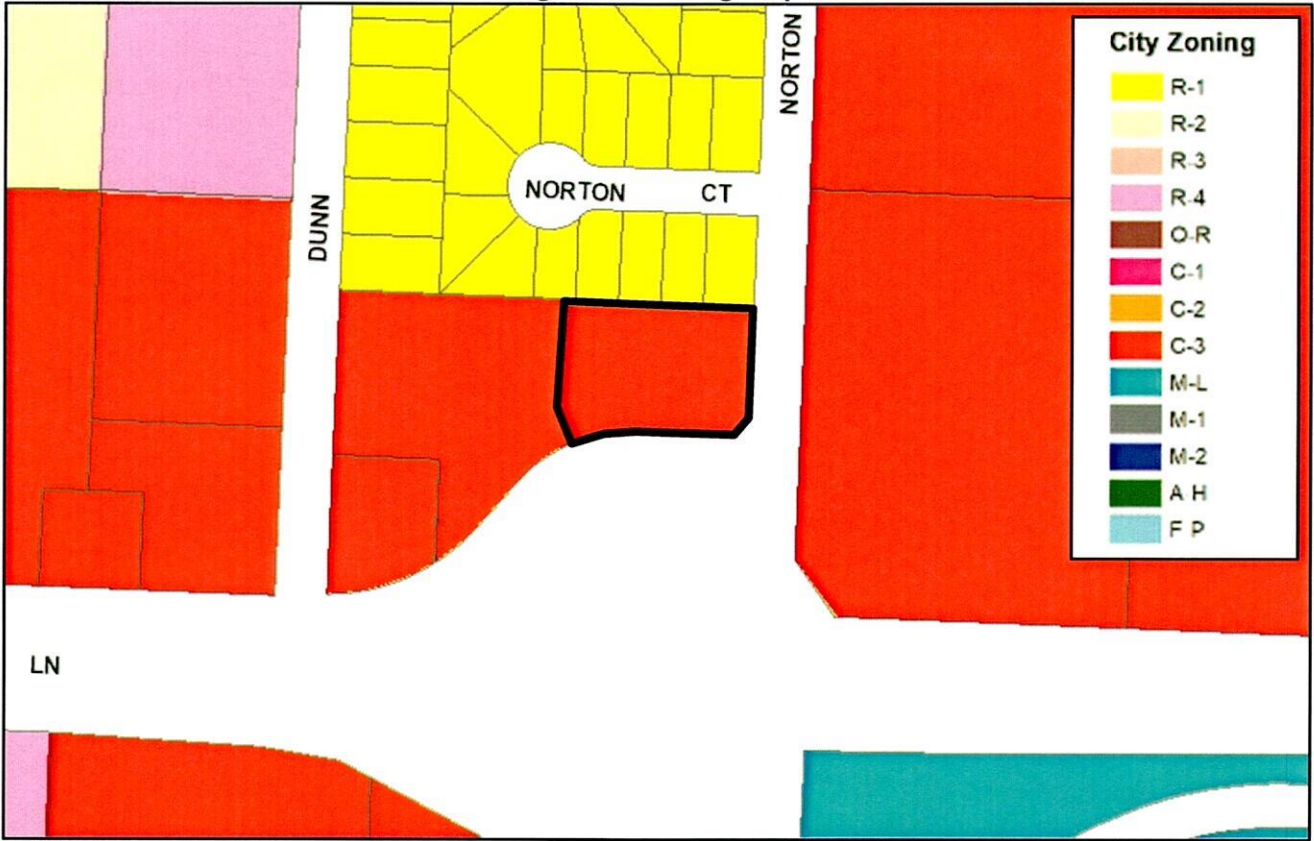


Figure 3: Applicant's Proposed Site Plan

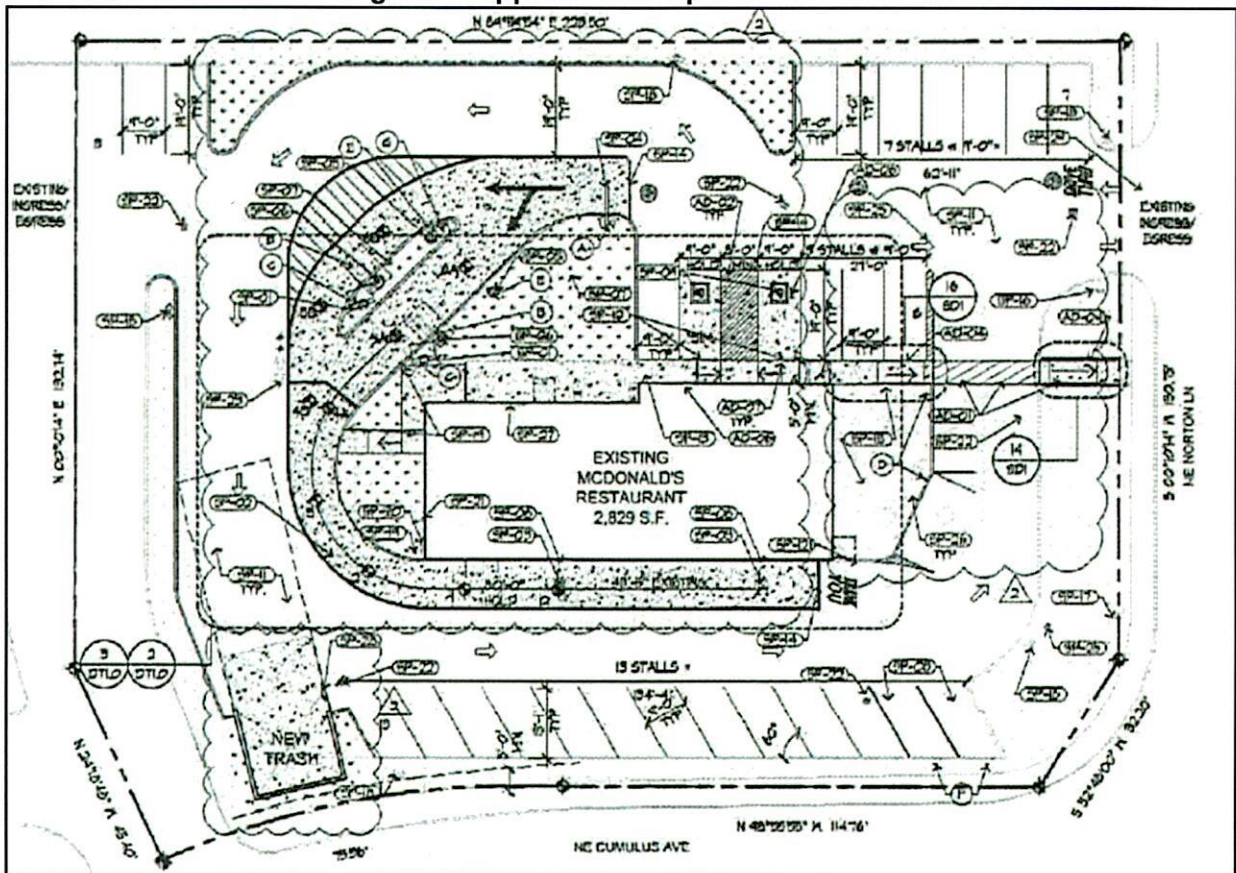
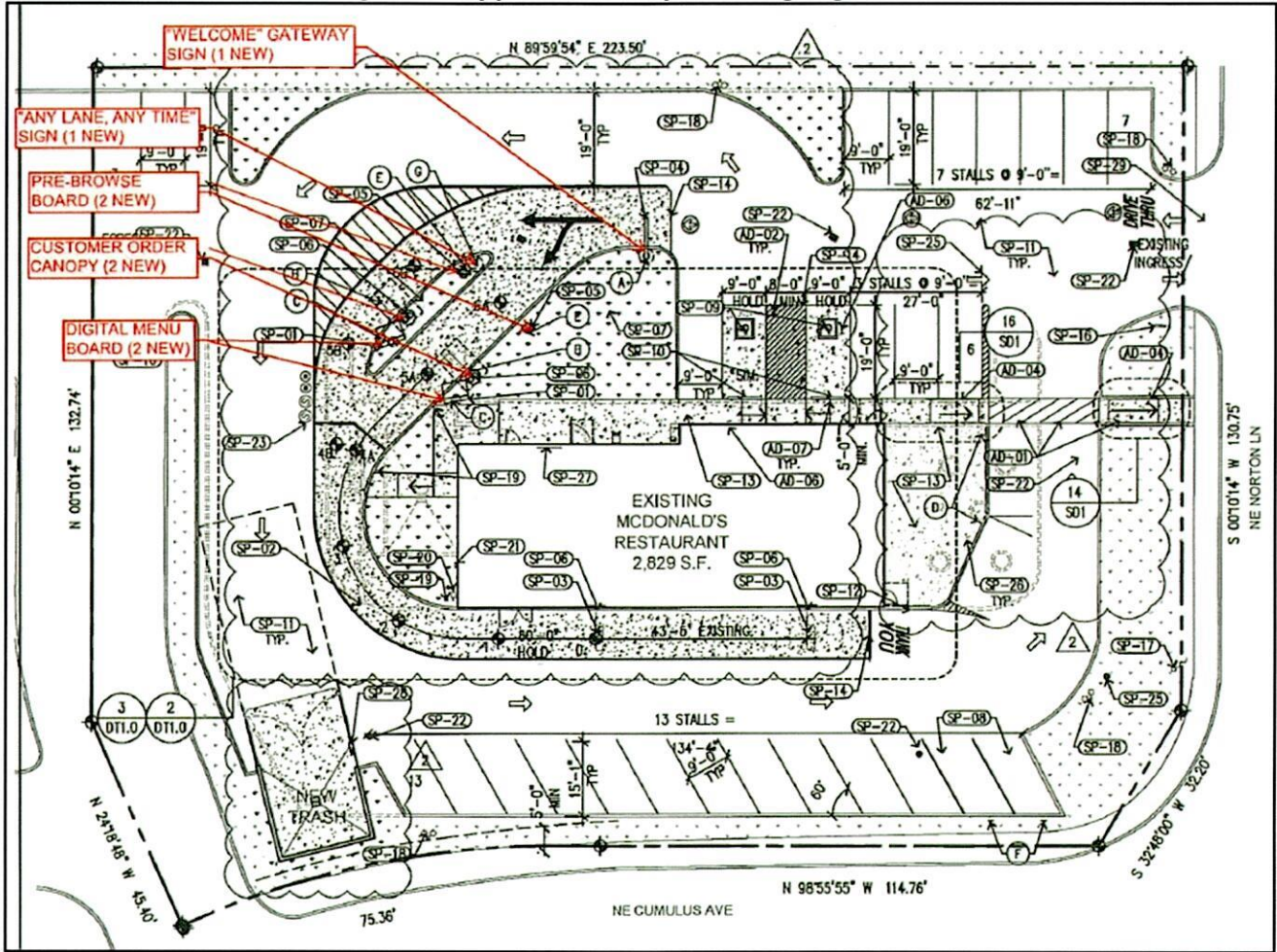
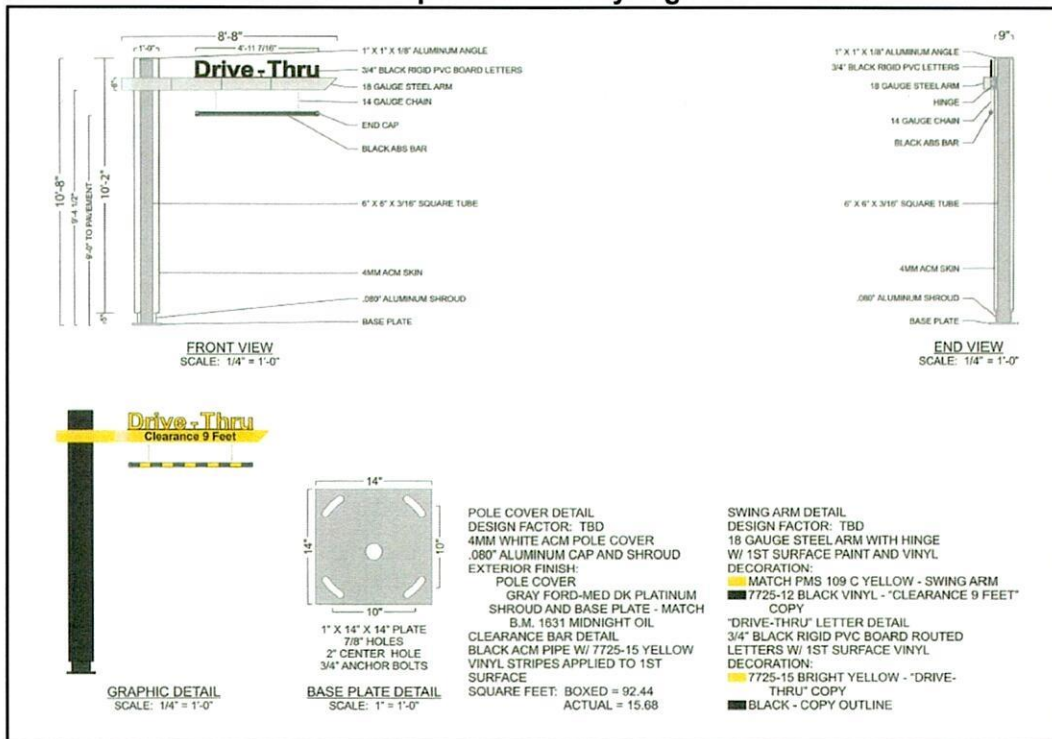


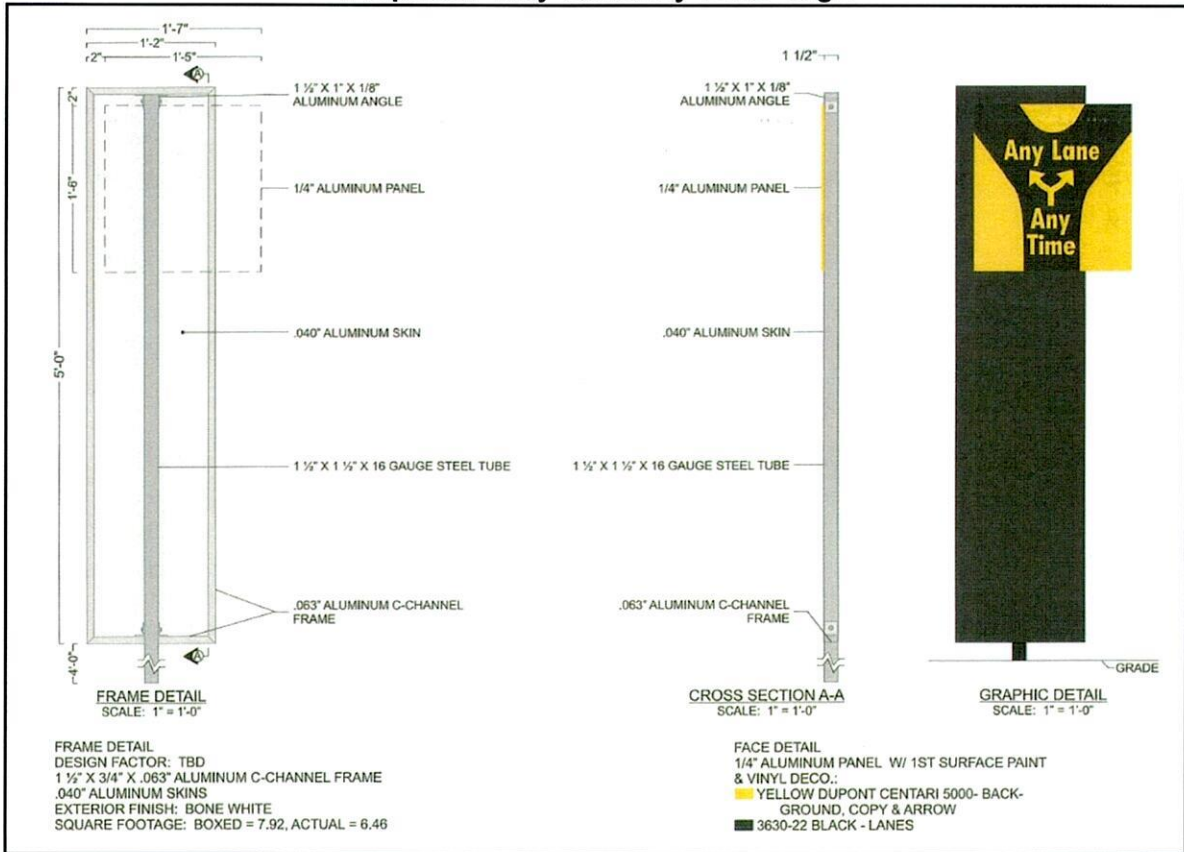
Figure 4: Applicant's Proposed Signage Plans



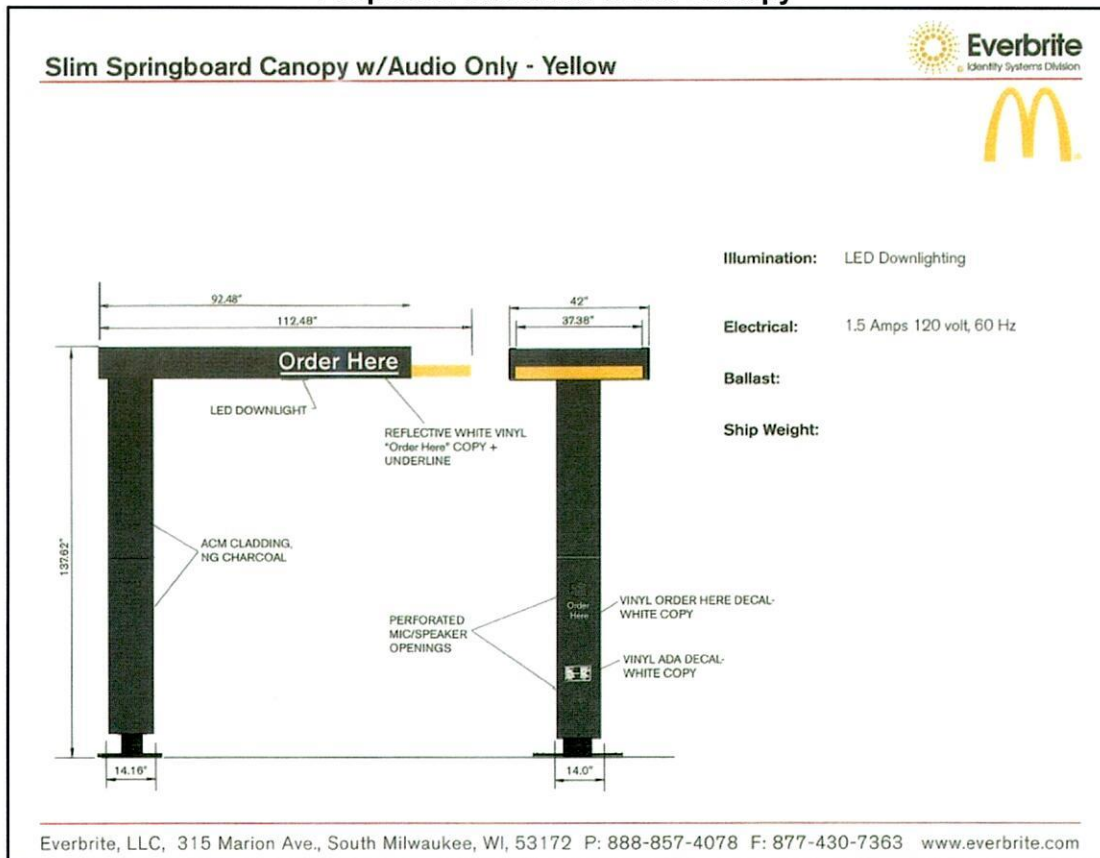
Proposed Gateway Sign



Proposed "Any Lane Any Time" Sign

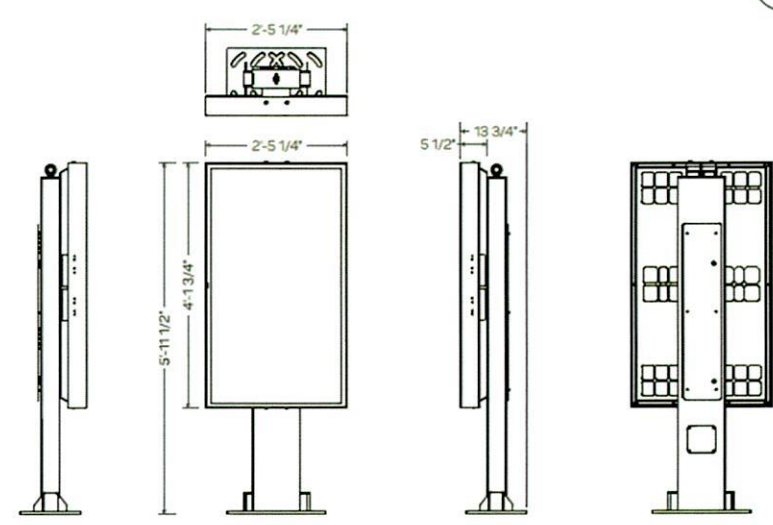



Proposed Customer Order Canopy



Proposed Digital Pre-Browse Board

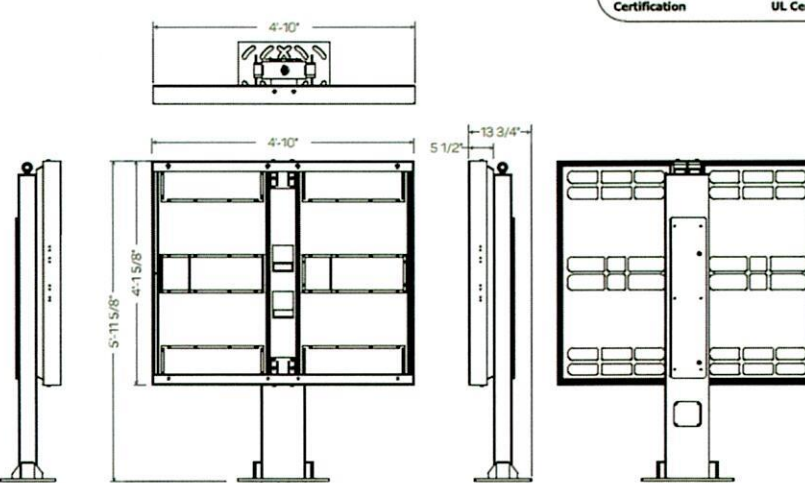
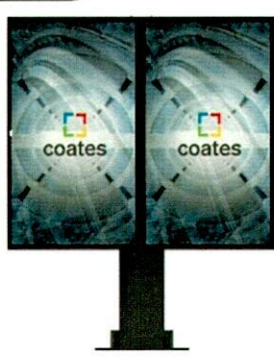
Frame	Hot dip galvanized + anti-graffiti powder coated steel	ODMB 02 SINGLE Displays Samsung OH55F Hardware Stratacache Spectra NG Heating/Cooling Watlow 100W Heater Sunon 120mm AC Fan Power Supply Units 60W DC Media Player Power Supply Power Cables 1 x IEC Power Cable Electrical Components Isolated Ground 2 x IG Receptacles 20A Circuit Breaker Communication Cables 2 x HDMI 1 x RS232 Certification UL Certified
Brackets	Hot dip galvanized	
Panels	Aluminium + anti-graffiti powdercoat	
Access fasteners	Security Torx	
Media player access	Dual camlock	
Eyebolt	Stainless crane on	
Baseplate	McDonalds spec triple mounting pattern option	

SCALE: 1/2" = 1'-0"

Proposed Digital Menu Board

Frame	Hot dip galvanized + anti-graffiti powder coated steel	ODMB 02 DOUBLE Displays 2 x Samsung OH55F Hardware 2 x Stratacache Spectra NG Heating/Cooling Watlow 100W Heater Sunon 120mm AC Fan Power Supply Units 2 x 60W DC Media Player Power Supply Power Cables 2 x IEC Power Cables Electrical Components Isolated Ground 2 x IG Receptacles 20A Circuit Breaker Communication Cables 4 x HDMI 2 x RS232 Certification UL Certified
Brackets	Hot dip galvanized	
Panels	Aluminium + anti-graffiti powdercoat	
Access fasteners	Security Torx	
Media player access	Dual camlock	
Eyebolt	Stainless crane on	
Baseplate	McDonalds spec triple mounting pattern option	

SCALE: 1/2" = 1'-0"

Summary of Criteria & Issues

The application is subject to the policies and procedures of the Three Mile Lane Planned Development Overlay district, which was originally adopted by Ordinance 4131 and later amended by Ordinance 4572. Section 4 of Ordinance 4572 includes the following policies that regulate development within the Three Mile Lane Planned Development Overlay district:

- A. The goals and policies of the McMinnville Comprehensive Plan, Volume II, and applicable regulations and standards in Volume III, and other City codes shall be adhered to.
- B. A one hundred twenty (120) foot setback from the centerline of Highway 18 shall be established both north and south of the highway.
- C. Access requirements adopted hereafter in an access plan for this area shall be adhered to. Provisions of the plan shall include:
 - 1. The minimization of entrances onto Three Mile Lane;
 - 2. The development of on-site circulation systems, connecting to adjoining properties, including public frontage roads;
 - 3. The provisions of acceleration-deceleration lanes and left-turn refuges when and where necessary and practicable.
 - 4. The provision of bikeways along frontage roads or on-site circulation systems. Bikeway connections accessing Three Mile Lane shall be provided so that the frontage road or on-site circulation system can serve as an alternative route for cyclists traveling along Three Mile Lane.
- D. Landscaping and buffer strips along the highway frontage may be required including noise buffering methods, such as berms and/or plantings.
- E. Mixed housing-type residential developments shall be allowed and encouraged in those areas designated as residential.
- F. Temporary signage shall be allowed as per Section 17.62.060(B)(3) of the McMinnville Zoning Ordinance (No. 3380).

In addition, Section 5 of Ordinance 4572 includes standards for permanent signage within the Three Mile Lane Planned Development Overlay district. These standards will be described in more detail in Section VII (Conclusionary Findings) below.

The applicant has provided findings to support the request for Three Mile Lane Development Review. These will be discussed in detail in Section VII (Conclusionary Findings) below.

II. CONDITIONS:

- 1. That the decision for approval of Three Mile Lane Development Review (TML 2-20) is not rendered, and does not take effect, until and unless the Zoning Text Amendment request (ZC 2-20) is approved by the City Council.
- 2. That the two (2) Digital Pre-Browse Boards shall not exceed five (5) feet in height.

III. ATTACHMENTS:

1. TML 2-20 Application and Attachments (on file with the Planning Department)

IV. COMMENTS:

Agency Comments

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Public Works Department, Building Department, Parks Department, Wastewater Services; and City Manager; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Oregon Department of State Lands; Oregon Department of Transportation; Frontier Communications; Comcast; Recology; and Northwest Natural Gas. In addition, notice was provided to the Oregon Department of Land Conservation and Development. The following comments were received:

- McMinnville Building Department
No building code issues.
- McMinnville Engineering Department
No comments.
- McMinnville Water & Light
MW&L has no comments on either of these submittals.
- Comcast
We have no conflicts with this project.

Public Comments

Notice of this request was mailed to property owners located within 100 feet of the subject site, as required by Section 17.72.110 (Applications and Permits – Director’s Review with Notification). The following comments have been received:

- Email from Dorothy McQueen on February 1, 2021.
 - Concerns about sight, sound, and security issues with increased parking lot traffic and questioned if McDonald’s is improving the fence along the north property line.
- Testimony from Mark Davis on February 18, 2021 at the Planning Commission Public Hearing
 - Concerned that the second drive-thru lane would generate more traffic which would then create traffic issues on Highway 18 at the Norton Lane intersection.
- Testimony from Linda O’Hara on February 18, 2021 at the Planning Commission Public Hearing
 - Concerned that redevelopment would infringe on adjacent properties.
- Testimony from Hailey [last name not clear on audio recording] on February 18, 2021 at the Planning Commission Public Hearing
 - Supported a second ordering station to improve food service speed and efficiency.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicant, Alexander Taam of Freiheit Architecture, on behalf of McDonald's Corporation, property owner, submitted the Three Mile Lane Development Review application (TML 2-20) on November 24, 2020. Application fees were paid on December 9, 2020.
2. The application was deemed incomplete on January 5, 2021. The applicant submitted revised application materials on January 7, 2021.
3. Based on the revised application materials, the application was deemed complete on January 22, 2021. Based on that date, the 120 day land use decision time limit expires on May 22, 2021.
4. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Engineering Department, Public Works Department, Building Department, Parks Department, Wastewater Services; and City Manager; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Oregon Department of State Lands; Oregon Department of Transportation; Frontier Communications; Comcast; Recology; and Northwest Natural Gas. In addition, notice was provided to the Oregon Department of Land Conservation and Development. In addition, notice was provided to the Oregon Department of Land Conservation and Development. Comments received from agencies are addressed in the Decision Document.
5. Notice of the application and the February 18, 2021 Planning Commission public hearing was mailed to property owners within 100 feet of the subject property in accordance with Section 17.72.110 of the Zoning Ordinance on January 29, 2021.
6. Notice of the application and the February 18, 2021 Planning Commission public hearing was published in the News Register on Tuesday, February 9, 2021, in accordance with Section 17.72.120 of the Zoning Ordinance.
7. Public testimony received by the Planning Department prior to the Planning Commission public hearing are addressed in the Decision Document.
8. On February 18, 2021, the Planning Commission held a duly noticed public hearing to consider the request.
9. On March 9, 2021, the McMinnville City Council considered Ordinance No. 5102 approving TML 2-20 based on the Planning Commission recommendation.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** 225 NE Norton Lane (Tax Lot 1602, Section 22CD, T.4 S., R. 4 W., W.M.)
2. **Size:** 0.81 acres
3. **Comprehensive Plan Map Designation:** Commercial
4. **Zoning:** C-3PD (General Commercial Planned Development)
5. **Overlay Zones/Special Districts:** Three Mile Lane Planned Development Overlay District (Ordinance No. 4131 as amended by Ord. No. 4572)
6. **Current Use:** Restaurant with Drive-Thru Service

7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None
 - b. **Other:** None
8. **Other Features:**
 - a. **Slopes:** The site is relatively flat.
9. **Utilities:**
 - a. **Water:** The property is served by a water main in NE Norton Lane. The treatment plant has sufficient treatment capacity.
 - b. **Sewer:** The property is served by a sewer main in NE Norton Lane. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from the use.
 - c. **Stormwater:** The property is served by a stormwater sewer main in NE Norton Lane.
 - d. **Other Services:** Other services are available to the property. No overhead utilities are present adjacent to the property.
10. **Transportation:** NE Norton Lane is classified as a Minor Collector in the Transportation System Plan (TSP). NE Cumulus Avenue is classified as a Minor Collector.

VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for Three Mile Lane Development Review are specified in the Three Mile Lane Planned Development Ordinance (Ordinance No. 4131 as amended by Ordinance No. 4572).

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 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: None.

FINDING: SATISFIED. The process for a Three Mile Lane Development Review request provides an opportunity for citizen involvement throughout the process through the public notice and the application review process. Throughout the process, there are opportunities for the public to review and obtain copies of the application materials prior to the Planning Director's decision on the application. All members of the public have access to provide testimony and ask questions during the public review process.

McMinnville Zoning Ordinance

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

CHAPTER 17.03. GENERAL PROVISIONS

17.03.020 Purpose. The purpose of this ordinance is to encourage appropriate and orderly physical development in the City through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, and adequate community facilities; to provide assurance of opportunities for effective utilization of the land resource; and to promote in other ways public health, safety, convenience, and general welfare.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The purpose of the Zoning Ordinance is met by the proposal as described in the Conclusionary Findings contained in this Decision Document.

CHAPTER 17.60. OFF STREET PARKING AND LOADING

17.60.060 Spaces—Number required. Except for the southerly 100 feet of Block 10 and the northerly 100 feet of Block 11, Rowland's Addition and the area bounded by Second Street, Adams Street, Fourth Street, and Galloway Street, at the time of erection of a new structure or at the time of enlargement or change of use of an existing structure, off-street parking spaces shall be provided as follows unless greater requirements are otherwise established. Where square feet are specified, the area measured shall be the gross floor area primary to the functioning of the particular use of the property but shall exclude space devoted to off-street parking or unloading.

C. Commercial land use category

- | | |
|---|---|
| 8. Drive-in restaurants or similar drive-in uses for the sale of beverages, food, or refreshments for consumption on the premises | One space per four seats or one space per 200 square feet of floor area, whichever is greater |
|---|---|

APPLICANT'S RESPONSE: Per section 17.60 of the MMC it requires us to have one space per 200 square feet of floor area. Since the buildings square footage is 2,829 sqft we would need a minimum of 14 stalls. We are currently proposing 26 with the new site configuration.

FINDING: SATISFIED. Staff concurs with the applicant's finding.

17.60.140 Bicycle parking.

- A. Bicycle parking facilities shall be required as follows:
 - 1. In any commercial (C-1, C-2, and C-3) or office/residential (O-R) zone, bicycle parking facility requirements shall be based on the amount of automobile parking required. The minimum number of bicycle parking spaces provided shall be ten percent of the automobile parking spaces required.
 - 2. The uses exempted from bicycle parking requirements include: residential uses, drive-in theaters, mortuaries, motels, hotels, and automobile service stations.
 - 3. In all zones, for each fifteen automobile parking spaces required, a required automobile parking space may be eliminated if five bicycle parking spaces are provided.
- B. Bicycle parking facilities shall be provided pursuant to the following design standards. (as modified by the Bicycle Parking Administrative Rule of September 14, 1984):
 - 1. At a minimum, a bicycle parking facility shall consist of a stationary object to which the user can lock the frame and both wheels with a user-provided six-foot cable or chain and lock.
 - 2. Fixed objects which are intended to serve as bicycle parking facilities but not obviously designed for such purposes shall be clearly labeled as available for bicycle parking.
 - 3. Bicycle parking facilities shall provide a least an eighteen inch clearance between adjacent bicycles.
 - 4. Aisles between bicycle parking facilities shall be at least five-feet in width.
 - 5. Paving is not required for bicycle parking areas, but the outside ground surface shall be finished or planted in such a way that the surface will remain free from mud or dust. Bicycle parking may be provided within a required landscape area.
 - 6. Bicycle parking should be situated at least as conveniently as the most convenient car parking area. Bicycle and automobile parking areas shall be separated by a physical barrier or sufficient distance to protect parked bicycles from damage by automobiles. (Ord. 4261 §1, 1983; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. Two (2) bicycle parking spaces are required (Ten (10) percent of 14 automobile parking spaces). An existing bicycle rack that provides at least two (2) bicycle parking spaces is to remain near the restaurant entrance following the site reconfiguration.

CHAPTER 17.61. SOLID WASTE AND RECYCLING ENCLOSURE PLAN

17.61.010 Purpose and Intent. The purpose and intent of this chapter is to provide efficient, safe and convenient locations for solid waste and recycling containers, to provide adequate on-site maneuvering for collection vehicles and to ensure that solid waste enclosures for all commercial, industrial and multi-family development are in compliance with the solid waste and recycling pick-up standards of the service provider while contributing to the overall appearance and attractiveness of the City of McMinnville.

APPLICANT’S RESPONSE: Since we had to reconfigure the drive-thru the trash corral has been relocated away from the building to make sure the site circulation still works. Due to the proposed location, per section 17.61 of the MMC, we will be providing landscaping 3’ tall around the three sides of the structure as well as the required space needed for a garbage truck to approach the trash enclosure.

FINDING: SATISFIED. Staff concurs with the applicant’s finding. The addition of the second drive-thru service lane necessitated the relocation of the trash enclosure. By complying with the guidelines and standards of this chapter, the solid waste and recycling enclosure is in an efficient, safe, and convenient location with adequate on-site maneuvering for service, and the aesthetics of the enclosure have been addressed.

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. 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.

APPLICANT'S RESPONSE: None

FINDING: SATISFIED. The proposed location of the enclosure allows for collection agency access. Sufficient space for the approach and overhead clearance is provided. The subject site is zoned C-3 (General Commercial) and there are no required yards in the C-3 zone, except side and rear yards that are adjacent to a residential zone. The subject site is adjacent to residentially zoned land, however the trash enclosure is proposed along a property line that is not adjacent to that residential area. Therefore there are no applicable setbacks for the proposed location of the trash enclosure. Furthermore, the location of the enclosure is over 30 feet from any residential structure. No parking is proposed in front of the enclosure.

The enclosure is visible from the Cumulus Avenue right-of-way, therefore landscaping around three (3) sides of the enclosure is required. The approved landscape plan (L 30-20) shows that the evergreen shrub *Ligustrum japonicum 'Texanum'* (Waxleaf Privet) is will be planted as a hedge along three (3) sides of the enclosure that are visible from the street.

The enclosure plan indicates the structure will be made from concrete masonry units painted to match the base color of the building. As mentioned above, an evergreen hedge of Waxleaf Privet would be on three (3) sides of the enclosure.

The McMinnville Fire Department has had the opportunity to review the application and provide comments; no comments were received.

17.61.040 Procedure. The applicant is responsible for contacting the collection agency for information regarding the size of containers required relative to proposed use *prior* to submittal of building plans. Two (2) copies of a Solid Waste and Recycling Enclosure plan shall be included in the submitted site (plot) plan or as a separate plan to allow for Planning Department review. At a minimum, the Enclosure Plan will illustrate the location, size and height of the proposed trash enclosure in addition to listing construction materials and any required landscaping. The structure must conform to the approved site plan at the time of final inspection.

APPLICANT'S RESPONSE: None

FINDING: SATISFIED. The applicant has submitted a Solid Waste and Recycling Enclosure Plan with the application materials. The location, size, height, construction materials, and finishes are illustrated. Required landscaping around the enclosure is indicated on the landscape plan included in the application materials.

Three Mile Lane Planned Development Overlay

The Three Mile Lane Planned Development Overlay was adopted by Ordinance No. 4131 and amended by Ordinance No. 4572. The following Sections of the Three Mile Lane Planned Development Overlay (Ord. No. 4131 as amended by Ord. No. 4572 and by proposed Zoning Text Amendment ZC 2-20) are applicable to the request:

Section 1. Statement of Purpose. The City of McMinnville finds that the development of lands on the north and south sides of Three Mile Lane (Oregon Highway 18) is acceptable if provisions are made to integrate the dual functions of the highway as a bypass around the City and a land service arterial for adjacent properties. The City also finds that development along Three Mile Lane is desirable if it is of good quality and design, if the living and working environments developed are compatible with each other, and if the living environment includes open spaces, parks, and features buffering of residential uses from the highway. The City recognized, during the comprehensive planning process, that to insure that these concerns are met, proper designations on the McMinnville Comprehensive Plan and Zoning Maps must be made, and, further, that a planned development overlay must be placed over the area establishing specific conditions for development.

APPLICANT'S RESPONSE: The owner has elected to revise the drive-thru to add a second lane. To support this addition, we need to reconfigure the drive-thru lane layout. We are proposing new signage for the addition of the second drive-thru lane, which includes relocating the gateway, adding a small direction sign, a second pre-browse board, a second order-ready canopy, and a second menu board.

Since we had to reconfigure the drive-thru the trash corral has been relocated away from the building to make sure the site circulation still works. Due to the proposed location, per section 17.61 of the MMC, we will be providing landscaping 3' tall around three sides of the structure as well as the required space needed for a garbage truck to approach the trash enclosure.

Per section 17.60 of the MMC it requires us to have one space per 200 square feet of floor area. Since the buildings square footage is 2,829 sqft we would need a minimum of 14 stalls. We are currently proposing 26 with the new site configuration. [...]

FINDING: SATISFIED. Staff concurs with the applicant's findings, and adds that the second drive-thru service lane and signage proposed for the commercial site is found to be acceptable for the Three Mile Lane Planned Development Overlay district.

The proposed site design efficiently incorporates the two drive-up service lanes into the existing driveway and parking aisles. To accommodate this, surplus parking was removed, additional landscape area was included, and the trash and recycling enclosure was relocated. Parking requirements and trash enclosure standards continue to be met as described in findings for those sections of the McMinnville Zoning Ordinance described above.

A landscape plan (docket L 30-20) for the proposed site design was reviewed against the standards and regulations of the Landscaping Chapter of the McMinnville Zoning Ordinance and approved by the Landscape Review Committee.

Section 4. Policies. The following policies shall apply to the property described on the map in Exhibit "A":

- A. The goals and policies of the McMinnville Comprehensive Plan, Volume II, and applicable regulations and standards in Volume III, and other City codes shall be adhered to.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The proposal is consistent with the applicable Comprehensive Plan goals and policies, as well as Zoning Ordinance requirements, as described in the findings for those policies above.

- B. A one hundred twenty (120) foot setback from the centerline of Highway 18 shall be established both north and south of the highway.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The southernmost portion of the subject property is located more than 120 feet from the center line of Highway 18, and proposed structures and signage are located further north from the southernmost property line.

- C. Access requirements adopted hereafter in an access plan for this area shall be adhered to. Provisions of the plan shall include:

1. The minimization of entrances onto Three Mile Lane;
2. The development of on-site circulation systems, connecting to adjoining properties, including public frontage roads;
3. The provisions of acceleration-deceleration lanes and left-turn refuges when and where necessary and practicable.
4. The provision of bikeways along frontage roads or on-site circulation systems. Bikeway connections accessing Three Mile Lane shall be provided so that the frontage road or on-site circulation system can serve as an alternative route for cyclists traveling along Three Mile Lane.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Access requirements for the Three Mile Lane overlay district are met, or are not applicable to this application. No new entrances onto Three Mile Lane are proposed. The shared access between the subject property and the adjoining property to the west from the Cumulus Avenue is not proposed to be altered, nor is the access to the subject site from Norton Lane. The on-site circulation system is being revised to accommodate a second drive-thru service lane for the restaurant, but does not alter the connections to adjoining properties or public frontage roads as mentioned above.

- D. Landscaping and buffer strips along the highway frontage may be required including noise buffering methods, such as berms and/or plantings.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. A landscape plan (L 30-20) for the proposed development has been reviewed and approved by the Landscape Review Committee.

- E. Mixed housing-type residential developments shall be allowed and encouraged in those areas designated as residential.

APPLICANT'S RESPONSE: None.

FINDING: NOT APPLICABLE. No residential development is proposed as part of the application. The proposed development and signage is for a commercially designated property.

- F. Temporary signage shall be allowed as per Section 17.62.060(B)(3) of the McMinnville Zoning Ordinance (No. 3380).

APPLICANT'S RESPONSE: None.

FINDING: NOT APPLICABLE. No temporary signage is being proposed as part of the application.

Section 5. Signs. The following regulations apply to those properties designated as either industrial or commercial on the McMinnville Comprehensive Plan Map and which are located within the area described in Exhibit "A." All signage must be approved by the Three Mile Lane Design Review Committee and may not exceed the maximums established in this section. The Three Mile Lane Design Review Committee may take into account color selection; sign material; relationship to site and building design; size, form, mass, height, and scale of sign; the sign's location and proximity to existing signs on adjacent parcels; and other sign design elements appropriate to ensuring that the proposed sign is compatible with the objectives of this ordinance. The Three Mile Lane Design Review Committee may require a proposed sign to be redesigned as necessary to make it consistent with the objectives of this ordinance including, but not limited to, restricting the size and height of the sign, its location, form, color, and material.

- B. Zone 2. The following regulations apply to commercially or industrially designated properties which fall within zone 2:
 - a. That only one free-standing sign shall be allowed per parcel as they exist at the time of the passage of this ordinance and as they are represented on Exhibit "B", subject to the following:
 1. The maximum height of any free-standing sign shall be 30 feet, except as provided in subsection (B)(1)(c) below.
 2. The maximum square footage per sign face is 64 square feet and there shall be a maximum of two sign faces per free-standing sign, except as provided in subsection (B)(1)(c) below.
 3. If two or more properties share a single free-standing sign, said sign shall be a maximum of 35 feet in height, and each property sharing the sign shall be entitled to up to 64 square feet of sign face per side on a maximum of two sides. The shared free-standing sign would exhaust the allowance for free-standing signs listed in subsection (B)(1)(a) above for all parcels represented.
 4. A free-standing sign is allowed only on properties with frontage on the Highway 18 frontage road.

- b. In lieu of a free-standing sign as listed in subsection 1 above, one monument-type sign shall be allowed per parcel as they exist at the time of the passage of this ordinance and as they are represented on Exhibit "B", subject to the following:
 1. Maximum square footage per sign face shall be 50 square feet, and there shall be a maximum of two sign faces per monument sign.
 2. Maximum sign height shall be six feet, and the top of the sign shall not be more than eight feet above the center line grade of the Three Mile Lane frontage road.
 3. Monument signs shall be non-illuminated, indirectly illuminated, neon, or may have individually back-lit letters, providing that no plastic sign cabinets are allowed.
- c. All other signs, with the exception of incidental directional signage, must be flush against the buildings and not protrude more than 12 inches from the building face, subject to the following:
 1. Total area of building signage may not exceed eight percent of the total area of the face of the building which is most closely parallel to Highway 18 or the frontage road and may not exceed four percent on the other sides.
 2. The area of building signs shall be measured as the area around or enclosing each sign cabinet, or where sign cabinets are not used, the area shall be that within a single continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message.
- d. If a parcel is divided after the date of the adoption of this ordinance, the sign allowances established in subsections 1 and 2 above will apply only to the original parcel or what remains of it and newly created parcels are limited to the sign allowances established in subsection 3 above except as provided in subsection (B)(5) below.
- e. The Three Mile Lane Design Review Committee may allow the sharing of a single free-standing sign by an original parcel or what remains of it and parcels divided after the date of the adoption of this ordinance. The total sign size shall not exceed that allowed for the original parcel.
- f. Portable signs and signs with flashing or moving parts are prohibited.
- g. Additional freestanding signs are permitted with businesses that employ drive-up service. One such sign, not to exceed 36 square feet in area or six feet in height, is allowed per order station. In addition, one secondary sign, a maximum of 15 square feet in area and five feet in height, is allowed per order station. Any freestanding sign that has copy facing toward a public street shall be located a minimum of thirty (30) feet from that street's property line. Wall mount signs shall be exempt from this.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #1 AND #2. The proposed re-development of the site includes eight (8) signs associated with the two (2) drive-thru service lanes: one (1) "Welcome" Gateway Sign, one (1) "Any Lane, Any Time" Directional Sign, two (2) Pre-Browse Boards (one per lane), two (2) Customer Order Canopies (one per lane), and two (2) Digital Menu Boards (one per lane). Staff notes that the property shares a free-standing sign with the adjacent property, which exhausts the allowance for free-standing signs listed in subsection (B)(1)(a) above for the subject site. Therefore, proposed signage must comply with subsection (B)(7) or be deemed incidental directional signage per subsection (B)(3). Subsection (B)(7) is proposed by the applicant in a concurrent application to be included in the Three Mile Lane Planned Development Ordinance. Therefore, a condition of approval is included to require the adoption of Zoning Text Amendment (ZC 2-20) prior to the approval of the Three Mile Lane Development Review for the subject property.

The "Welcome" Gateway Sign, "Any Lane, Any Time" Directional Sign, and each "Order Here" Customer Order Canopies are considered incidental directional signs and are exempt per subsection (B)(3).

The proposed Digital Menu Boards are less than six (6) feet in height with surface areas of approximately 20 square feet. These dimensions are less than the maximum height and area dimensions for the first additional freestanding sign allowed per order station. One (1) sign meeting these standards is permitted for each drive-up order station.

The proposed Digital Pre-Browse Boards are approximately six (6) feet in height with surface areas of approximately 10 square feet. While the area of the Pre-Browse Boards is below the maximum allowed, the proposed height of approximately six (6) feet exceeds the maximum height of five (5) feet for secondary signs allowed per order station. Therefore, a condition of approval is included to require that the Digital Pre-Browse Boards be a maximum of five (5) feet in height. One (1) sign meeting these standards is permitted for each drive-up order station.

Generally, the proposed signage is of a quality and design that is suitable for the proposed site, and is compatible with the use, and with the objectives of the Three Mile Lane Planned Development Overlay Ordinance. All proposed signage is located to have minimal impact on neighboring properties and the public right-of-way.

CONDITIONS FOR FINDING: That the decision for approval of Three Mile Lane Development Review (TML 2-20) is not rendered, and does not take effect, until and unless the Zoning Text Amendment request (ZC 2-20) is approved by the City Council.

That the two (2) Digital Pre-Browse Boards shall not exceed five (5) feet in height.

Section 6. Procedures for Review:

- A. No development or signage may take place within the Three Mile Lane Planned Development Overlay without such development or signage gaining the approval of the Three Mile Lane Design Review Committee.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The applicant submitted an application for Three Mile Lane Development Review, which was reviewed and processed prior to any new site development or installation of signage on the subject site.

JF