

CPA 2-20/ZC 3-20

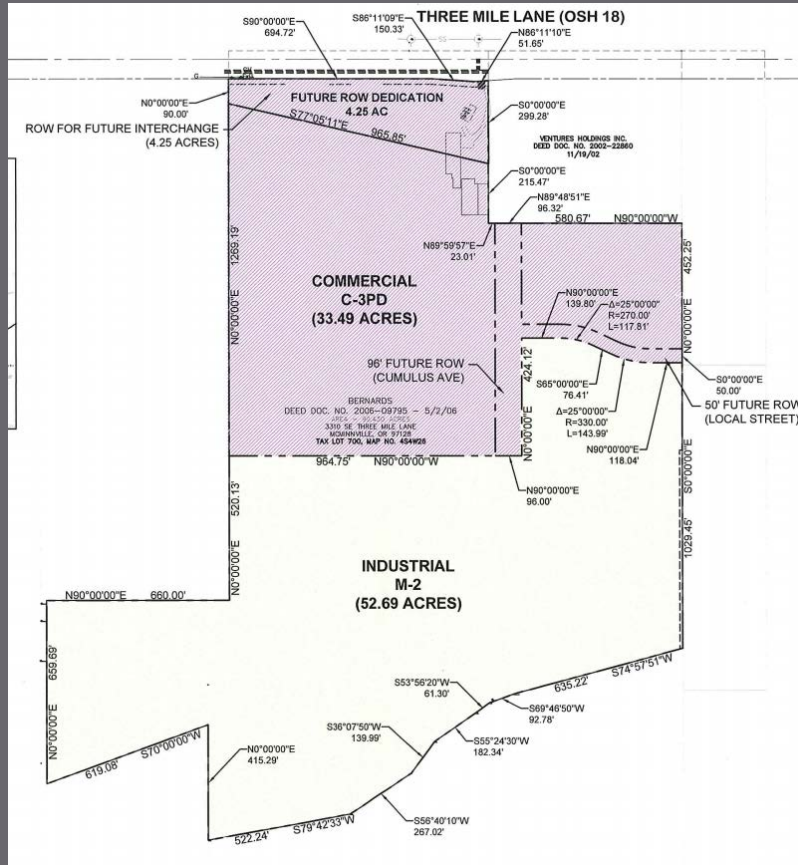
Comprehensive Plan Map Amendment & Zone Change with Planned Development (PD) Overlay

PLANNING COMMISSION 5.20.2021



APPLICATION

CPA 2-20/ZC 3-20



**Comprehensive Plan Map
Amendment and Zone Change**
**From: Industrial/M-2
To: Commercial/C-3 with PD Overlay**

**37.74 acres of a 90.4 acre parcel,
including 4.25 acres for future
transportation improvements**

Applicant: Kimco McMinnville LLC
Address: 3310 SE Three Mile Lane
Tax Lot: R4426 00700

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TONIGHT'S PROCEEDING

- Quasi-Judicial Hearing
- Staff Report
- Applicant Testimony
- Public Testimony
- Staff Recommendation to Continue Hearing to a Date Certain of July 15, 2021

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CRITERIA

- **Comprehensive Plan:** Volume II - Goals and Policies
- **Zoning Ordinance:**
 - 17.74.020. Comprehensive Plan Map Amendment and Zone Change - Review Criteria
 - 17.51.010. Planned Development Overlay
 - (17.03.020 by Reference). Zoning Ordinance General Provisions - Purpose
 - 17.51.010(B). Planned Development Overlay Option with Deferred Development Plan
- **State Law:** (“TPR”) OAR 660-012-0060, Plan and Land Use Regulation Amendments

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ADDITIONAL WRITTEN TESTIMONY

Received after the Planning Commission packet and before 5pm on May 20, 2021:

- May 19, 2021 e-mail from Daniel Evans, Oregon DSL
- May 20, 2021 letter from Alexis Biddle, 1000 Friends of Oregon and Sid Friedman, Friends of Yamhill County

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QUESTIONS FROM PLANNING COMMISSIONERS

- Will summarize questions received from Planning Commissioners and responses at end of staff presentation.

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AERIAL PHOTO



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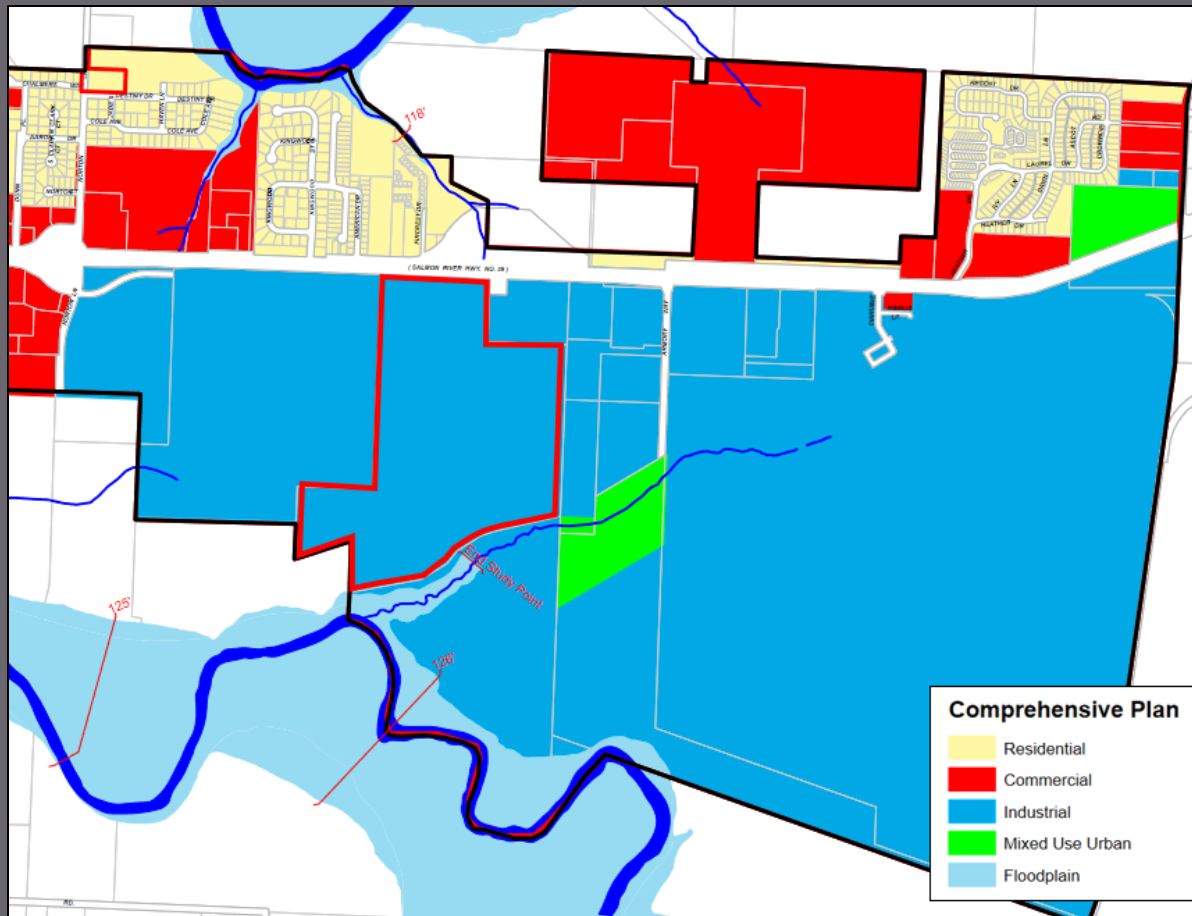
AERIAL WITH BOUNDARY OVERLAY



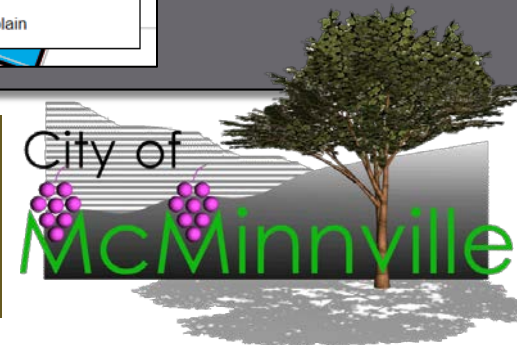
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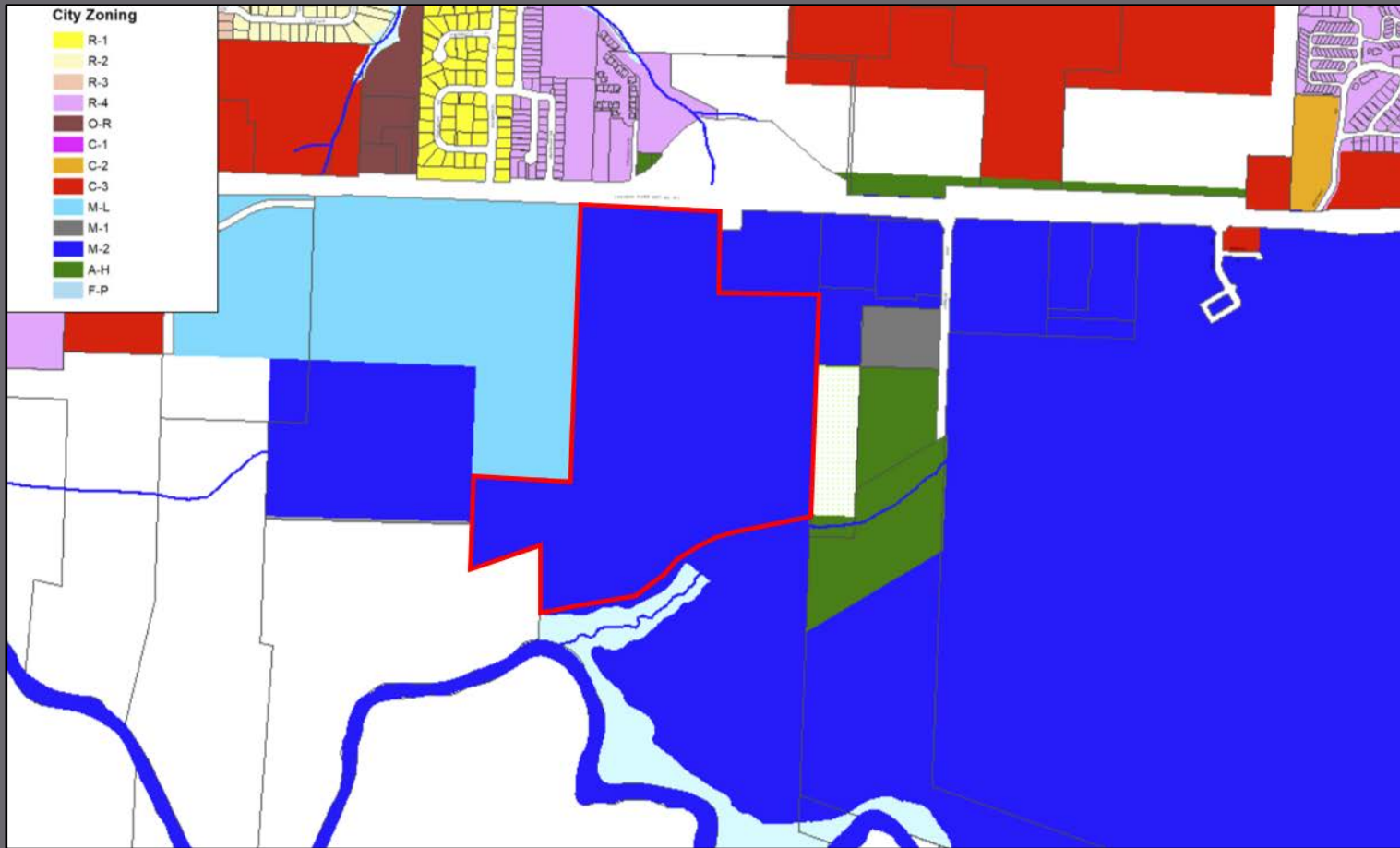
COMPREHENSIVE PLAN MAP



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ZONING MAP



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CRITERIA – CPA/ZC

17.74.020. CPA & ZC Review Criteria

- The proposal satisfies all relevant requirements of the Zoning Ordinance
- The applicant demonstrates the proposal is:
 - Consistent with Comprehensive Plan Goals and Policies
 - Orderly and timely, considering:
 - Pattern of development in the area,
 - Surrounding land uses, and
 - Any changes which may have occurred in the neighborhood or community to warrant the proposed amendment.
 - Utilities and services can be efficiently provided to serve the proposed uses or potential uses in the proposed zoning district.

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CRITERIA – All PD Overlays

17.51.010. All PD Overlays

- **Consistent with Purpose of 17.51.010 (PD Overlay)**
 - Greater flexibility/freedom of design, variety in development pattern, encourage mixed uses in a planned area, encourage creative approach and application of new technology, preserve significant man-made and natural features, desirable aesthetic, efficient use of open space, public/private common open spaces
- **Consistent with Purpose of 17.03.020 (Zoning Ord. Gen. Provisions)**
 - Appropriate & orderly physical development, protect areas from incompatible uses, opportunities for mutually beneficial relationships of establishments, open space, workable land use/transportation relationships, adequate community facilities...
- “Not merely a guise to circumvent the intent of the Zoning Ordinance.”
- (Goals & Policies of Comp. Plan are criteria for all land use decisions).

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CRITERIA – PD w/ Deferred Plan

17.51.010(B). Additionally, for PD Overlay with Deferred Dev. Plan:

▪ Eligibility:

- Property has unique characteristics (geological, ecological, location, or the nature of the surrounding property), and
- Development of which may have an impact upon the surrounding area or the city as a whole.

▪ The Council and Planning Commission shall set forth:

- The reasons for approval; and
- The areas of concern that must be addressed when final plans are submitted.

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CRITERIA – PDs w/ Deferred Plan (cont).

17.51.010(B). Additionally, for PD Overlay with Deferred Dev. Plan:

- Subject to all of the hearing requirements again at such time as the final plans under 17.51.030 are submitted.
- No development of any kind may occur on the portion of the property subject to the PD overlay until a final plan has been submitted and approved.

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CRITERIA

State Law: Transportation Planning Rule (“TPR”) OAR 660-012-0060,
Plan and Land Use Regulation Amendments

- If map amendment will have a “significant affect” on transportation facilities, need to adopt measures to address effects.
- Mitigation measures to address mobility standards and address safety.

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CRITERIA – Summary of Key Issues

- **Is there a need?**
- **Does the proposal meet the need – quantitatively?**
 - Right amount?
- **Is the proposal suitable to meet the need – qualitatively, from public perspective?**
 - Right zoning? (one of the “off the shelf” existing zones vs. zoning tailored to unique circumstances to implement the Comp Plan, such as a PD/standards)
 - Right location?
 - Considerations for that location?
 - Other compatibility/issues with Comprehensive Plan?
- **Eligibility Criteria to Use to PD Overlay with Deferred Development Plan?**
- **Timing: Right Timing?**
 - General (rezone from urban to other urban vs. rezone rural to urban)
 - Serviceability
- **Issues/effects associated with provision of public facilities/transportation associated with new zoning? Suitable mitigation associated with change?**

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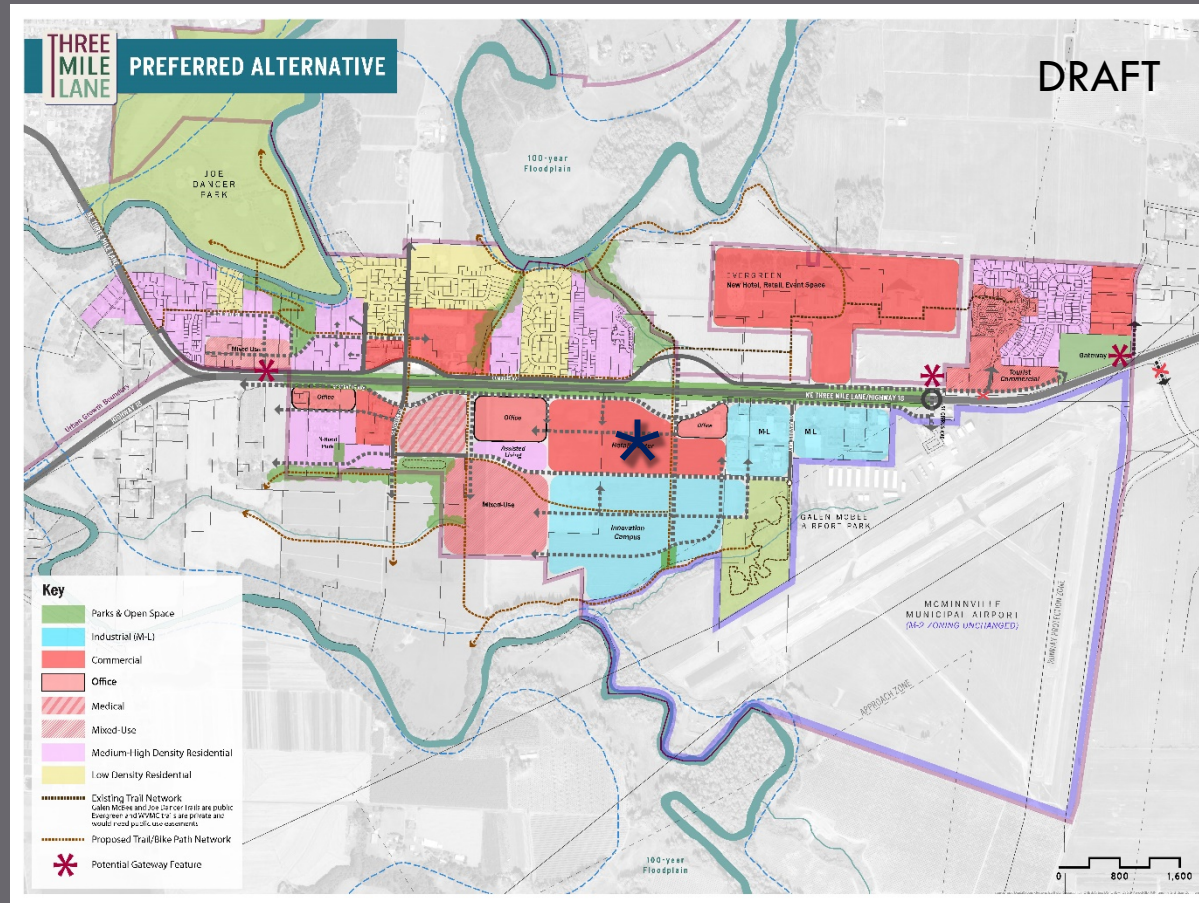
CRITERIA – Summary of Key Issues

- ✓ ○ Is there a need?
- ✓ ○ Does the proposal meet the need – quantitatively?
 - Right amount?
- ✓* ○ Is the proposal suitable to meet the need – qualitatively, from public perspective?
 - Right zoning? (one of the “off the shelf” existing zones vs. zoning tailored to unique circumstances to implement the Comp Plan, such as a PD/standards)
 - Right location?
 - Considerations for that location?
 - Other compatibility/issues with Comprehensive Plan?
- ✓ ○ Eligibility Criteria to Use to PD Overlay with Deferred Development Plan?
- ✓* ○ Timing: Right Timing?
 - General (rezone from urban to other urban vs. rezone rural to urban)
 - Serviceability
- Pending ○ Issues/effects associated with provision of public facilities/transportation associated with new zoning? Suitable mitigation associated with change?

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CRITERIA – Key Issues



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CRITERIA – Key issues

Comprehensive Plan, Proposals:

48.15 The City of McMinnville should develop an Area Plan for the Three Mile Lane area that supports and enhances the district's economic vitality and marketability, provides opportunities for a complementary mix of land uses, consistent with the vision of a diverse and vibrant district, enhances multi-modal connections throughout the district, and creates an aesthetically pleasing gateway to the City of McMinnville.

(December 2020)

PLANNING COMMISSION 5.20.2021



CRITERIA – Key Issues

Comprehensive Plan, Proposals:

- 48.70 **Redesignation to Commercial.** As an identified efficiency measure necessary to reduce the needed size of the “Phase 2” UGB amendment to meet additional Commercial land needs, **the City shall initiate a change to the Comprehensive Plan and Zone Map to redesignate and rezone 40 acres of property along the south side of the Highway 18 frontage from commercial to industrial, leaving the rear portions in an Industrial designation.** This recognizes that the City will retain an Industrial surplus as a result of adding the Riverside North area to the UGB as part of the “Phase 2” UGB amendment.

December 2020

(2013 EOA identifies need for at least 36 acres)

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FINDINGS/RECOMMENDATION

ISSUES OTHER THAN TRANSPORTATION MITIGATION:

- Satisfied or Satisfied with Conditions

TRANSPORTATION MITIGATION:

- Contingent on further information to be prepared and submitted by applicant for review in advance of the July 15, 2021 continued hearing

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RECOMMENDED CONDITIONS

1. For transportation mitigation, the applicant shall provide additional information to the City and ODOT for their review and approval and shall obtain their approval for transportation mitigation of “significant effect” that affects the state and local systems. The specific designs of the mitigation improvements will need to be approved prior to the submittal of the preliminary development plan.

(Continue hearing to address).

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RECOMMENDED CONDITIONS (CONT).

2. Prior to development, the applicant shall submit a preliminary development plan for the site to be reviewed in the same manner as a planned development amendment per Section 17.72 of McMinnville Municipal Code. The applicant will need to submit a development plan that meets all of the criteria of Section 17.51.030 (except that they only need to submit twelve (12) copies of the preliminary development plan and one electronic file). The preliminary development plan to be submitted shall also be subject to the design and development principles and standards attached as **Attachment 2**. If the 3MLAP is adopted prior to submittal of the preliminary development plan, then the most restrictive provisions shall apply.

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RECOMMENDED CONDITIONS (CONT).

3. Use and development of the property shall be subject to any overlays which apply to the property, including the Three Mile Lane Overlay and the Airport Overlay Zone.
4. Disposition of any wetlands on the property at the time of submittal of the development plan shall be subject to the design and development principles and standards, and subject to review and approval by DSL.
5. The applicant shall record a copy of the approving ordinance, disclosing these conditions of approval.

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RECOMMENDED CONDITIONS (CONT).

NOTE:

The Three Mile Lane Area Plan (3MLAP) draft standards are to be delivered at the end of May.

From a coordination standpoint, there may be opportunities to reconcile with the recommended development and design principles and standards before July 15.

Feedback regarding the proposed provisions could assist with this coordination/reconciling work

- Provisions to incorporate into the 3MLAP standards?*
- Provisions that should be revised/removed?*
- Provisions that need to be addressed, which aren't?*

PLANNING COMMISSION 5.20.2021



RECOMMENDATION

- Continue the hearing to a date certain of July 15, 2021 at the regular 6:30pm Planning Commission meeting

Opportunity to address:

- Transportation mitigation
- Any other questions/comments/issues raised at tonight's hearing

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QUESTIONS / COMMENTS FROM PLANNING COMMISSIONERS

- Please clarify the location of site relative to the 3MLAP Draft Preferred Alternative Concept?
- Are there other PDs that have been approved with Deferred Development Plans?

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QUESTIONS / COMMENTS FROM PLANNING COMMISSIONERS

Exhibit 2:

- Is this the total acreage we expect to be Commercial zoned?
- How do we address “retail leakage” without permitting duplication of retail services found elsewhere in town?
- Can we hear what “retail leakage” is actually occurring? Please clarify more vague aspects the 3MLAP Market Analysis Table * Summary on page 5 of 9 of the application. How will we be careful not so much with the anchors, but with the smaller shops and services? Stating it will be done so it doesn't disturb downtown merchants is too vague. Can we ask Economic Development and the developer work together?

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QUESTIONS / COMMENTS FROM PLANNING COMMISSIONERS

Page 3 of Attachment 1:

V.1 Overall Theme and Stylistic Design:

3. The site will have a cohesive design vocabulary.
 - Please better define this terminology

Page 10 of Attachment 1:

V.8. Signs:

- Will we suggest directional signs at decision points for people entering the site to understand the direction that will provide the easiest access to a preferred store?

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QUESTIONS / COMMENTS FROM PLANNING COMMISSIONERS

Page 12 of Attachment 1:

V.10 Parking:

- Why not a low-level parking garage behind the shops to minimize ground pavement impermeability? People enjoy wet weather access to covered parking. Can even provide on more than ground level.
- How about some permeable paving materials incorporated into the parking lot to improve ground permeability of rainwater?

Page 29 of 34 of Attachment 2:

8. Human Scale Design:

- Covered ways for winter weather walkability over exterior sidewalks will help provide a more comfortable environment to access the shops. Wasn't winter weather one of the big reasons we saw exterior malls get enclosed?

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QUESTIONS / COMMENTS FROM PLANNING COMMISSIONERS

Page 23 Rezone TIA:

Year 2037 Traffic Mitigation:

- Should provide the information from this plan to the people who plan traffic issues in Lafayette. Looks like they can expect more traffic coming from Lafayette Highway; how will that impact/merge with Highway 99 traffic?

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THIS CONCLUDES THE STAFF PRESENTATION

- Thank you!
- Questions for staff at this time?

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