



**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 OF THE MCMINNVILLE HISTORIC LANDMARKS COMMITTEE FOR THE APPROVAL OF A NEW BUILDING AT 631 NE 1ST STREET WITHIN THE DOWNTOWN DESIGN AREA

- DOCKET:** DDR 1-21 (Downtown Design Review for New Construction)
- REQUEST:** Approval of a Downtown Design Review application to allow for the construction of a new building at 631 NE 1st Street on a parcel that is currently vacant. The proposed work includes construction of the new building, parking areas, and drive aisles. The proposal includes a request for an exception to the typical front setback requirement to allow for a plaza/courtyard area in front of the building.
- LOCATION:** 631 NE 1st Street. The property is identified as Tax Lot 11300, Section 21BC, T. 4 S., R. 4 W., W.M.
- ZONING:** C-3 (General Commercial)
- APPLICANT:** Amy & Silas Halloran-Steiner (property owners)
- STAFF:** Chuck Darnell, Senior Planner
- DATE DEEMED COMPLETE:** June 1, 2021
- DECISION-MAKING BODY & ACTION:** McMinnville Historic Landmarks Committee
- MEETING DATE & LOCATION:** June 24, 2021, Zoom Online Meeting ID 959 6293 5289
- PROCEDURE:** An application for a Downtown Design Review is processed in accordance with the procedures in Section 17.59.030(A) of the McMinnville Municipal Code.
- CRITERIA:** The applicable criteria for a Downtown Design Review are specified in Section 17.59.040 of the McMinnville Municipal Code. 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 17.59.030(E) of the McMinnville Municipal Code, the Historic Landmarks Committee's decision may be appealed to the Planning Commission within fifteen (15) 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.

Attachments:

Attachment 1 – Application and Attachments

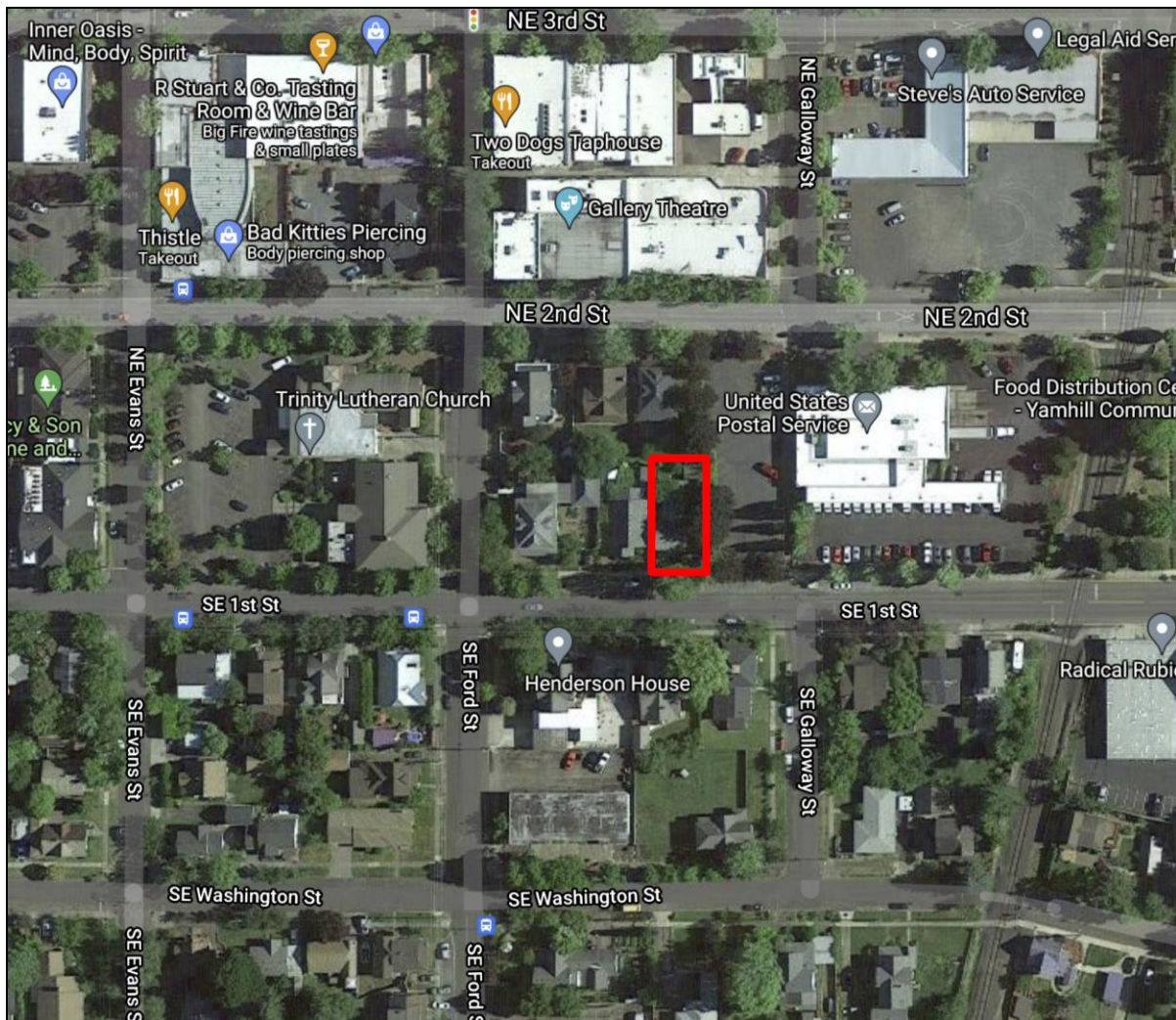
I. APPLICATION SUMMARY:

The applicant has provided information in their application narrative and findings (attached as Attachment 1) regarding the request under consideration. Staff has found the information provided to accurately reflect the current land use request, and excerpted portions are provided below to give context to the request, in addition to staff’s comments.

Subject Property & Request

The subject property is located at 631 NE 1st Street. The property is identified as Tax Lot 11300, Section 21BC, T. 4 S., R. 4 W., W.M. **See Vicinity Map (Figure 1) below.**

Figure 1. Vicinity Map (Property Lines Approximate)

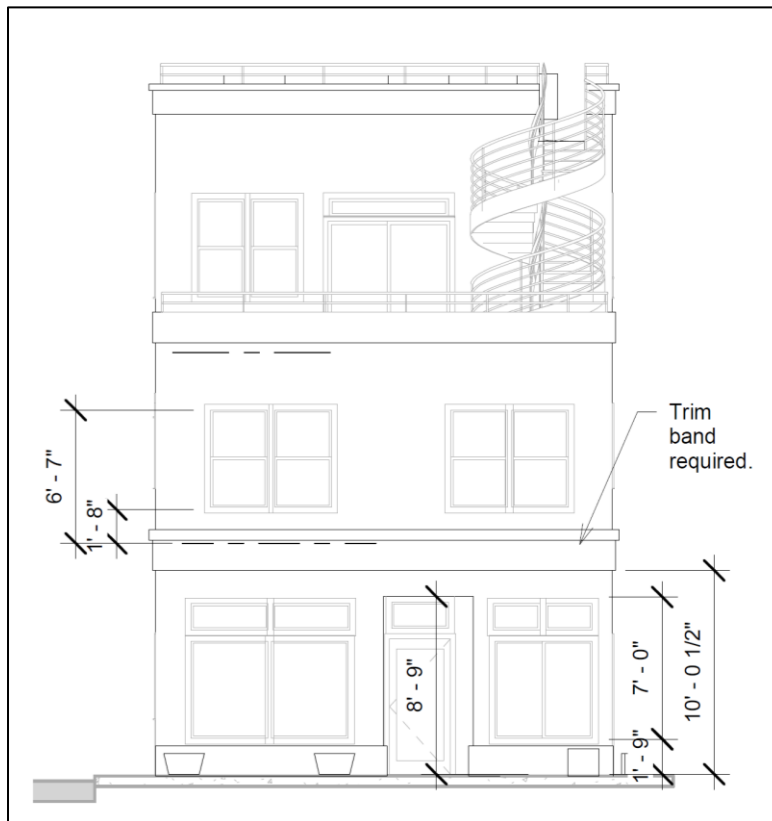


The applicant provided an overview of their proposal and project in the application narrative, which is as follows:

“The project is a new 2700 square foot mixed use office building with two (2) upper story dwellings above the office space. The building will be stucco exterior finish with a flat roof system with a roof deck on top of the building, and partial roof deck on the third level. The lot is zoned C-3.”

Elevations and renderings of the proposed new building are provided below. Full elevations and additional renderings are provided in the application materials (Attachment 1). **See South and West Facing Elevations (Figure 2) and Building Rendering (Figure 3) below.**

Figure 2. South and West Facing Elevations



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Figure 3. Building Rendering***Background***

The property is located within the Downtown Design Standards and Guidelines area described in Chapter 17.59 of the McMinnville Municipal Code. The property is currently vacant. A historic resource (resource number D878) previously existed on the property, but was approved to be demolished as reviewed under docket number HL 1-18. The historic resource was demolished in 2018. A proposal for a new building was reviewed and approved in 2018 as well, which was approved under docket number DDR 7-18. However, the construction of the previously proposed building never moved forward. The property has since changed ownership, and the current owners are requesting Downtown Design Review for a different new building on the subject property.

Summary of Criteria & Issues

Decisions and/or recommendations for approval of the land use application is dependent upon whether or not the application meets state regulations, the McMinnville Comprehensive Plan and the McMinnville Municipal Code. The application can either meet these criteria as proposed, or a condition of approval can be provided that either outlines what needs to occur to meet the criteria or when something needs to occur to meet the criteria.

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The proposed construction activities are for a new building located in the Downtown Design Review Overlay District. Therefore, the new construction is subject to review against the Downtown Design Review criteria in Section 17.59.040 of the MMC, as the new building construction is an applicable activity per Section 17.59.020(B)(1) of the MMC. Section 17.59.030(C)(2) of the MMC states that the Historic Landmarks Committee shall review applications for major alterations and new construction.

The specific review criteria for Downtown Design Review for New Construction in Section 17.59.040 of the MMC require the proposal to be consistent with the applicable Downtown Design Standards and Guidelines in Chapter 17.59 of the MMC, as well as the following review 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);

In addition, any request for a waiver from a Downtown Design Standard is subject to the specific review criteria in Section 17.59.040(A)(3) of the MMC as follows:

- a. There is a demonstrable difficulty in meeting the specific requirements of this Chapter due to a unique or unusual aspect of the site, an existing structure, or proposed use of the site;
- b. There is demonstrable evidence that the alternative design accomplishes the purpose of this Chapter in a manner that is equal or superior to a project designed consistent with the standards contained herein; and
- c. The waiver requested is the minimum necessary to alleviate the difficulty of meeting the requirements of this Chapter.

In addition to the sections of the McMinnville Municipal Code referenced above, the goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

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

II. CONDITIONS:

1. That the applicant shall submit building permit applications prior to completing any work. The construction plans submitted with the building permit applications will be reviewed by the Planning Director for consistency with the written narrative, exhibits, drawings, and renderings submitted for review by the Historic Landmarks Committee, along with any revisions to respond to other conditions of approval.
2. That the plaza space be of a different material or finish (concrete scoring, etc.) to provide visual identification of the plaza space and differentiation between the plaza and the adjacent sidewalk and drive aisle spaces.
3. That on the building permit construction plans submitted for the proposed building, all windows on the building shall be set flush to the inside face of the building so that they are recessed and not flush against the surface of the outer wall.
4. That the applicant shall provide samples or examples of the exterior building colors to the Historic Landmarks Committee for review and approval prior to application on the building.

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5. That the railing on the third story balcony be removed and replaced with a parapet wall to the height necessary to maintain the belt course separating the second and third stories of the building.

III. ATTACHMENTS:

1. DDR 1-21 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, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; and Northwest Natural Gas. The following comments were received:

- McMinnville Engineering Department

No comments.

- McMinnville Fire Department

We have no issues with this request. Please note: building will need meet all current Fire Codes for occupancy type, including access and water supply. A fire hydrant may be needed in the area.

- McMinnville City Attorney

No comments.

- Comcast

After review, I don't see any conflicts with this project.

Public Comments

Notice of this request was mailed to property owners located within 300 feet of the subject site. As of the date of the Historic Landmarks Committee public meeting on June 24, 2021, no public testimony had been received by the Planning Department.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicant, Amy & Silas Halloran-Steiner, submitted the Downtown Design Review application (DDR 1-21) on May 24, 2021.
2. The application was deemed complete on June 1, 2021. Based on that date, the 120 day land use decision time limit expires on September 29, 2021.
3. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.110 of the McMinnville Municipal Code: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School

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District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; and Northwest Natural Gas.

Comments received from agencies are addressed in the Decision Document.

4. Notice of the application and the June 24, 2021 Historic Landmarks Committee public meeting was mailed to property owners within 300 feet of the subject property in accordance with Section 17.59.030(C)(3) and Section 17.72.110 of the McMinnville Municipal Code on June 8, 2021.
5. No public testimony was submitted to the Planning Department prior to the Historic Landmarks Committee public meeting.
6. On June 24, 2021, the Historic Landmarks Committee held a duly noticed public meeting to consider the request.

VI. FINDINGS OF FACT – GENERAL FINDINGS

1. **Location:** 631 NE 1st Street. The property identified as Tax Lot 11300, Section 21BC, T. 4 S., R. 4 W., W.M.
2. **Size:** Approximately 4,000 square feet.
3. **Comprehensive Plan Map Designation:** Commercial
4. **Zoning:** C-3 (General Commercial)
5. **Overlay Zones/Special Districts:** Downtown Design Standards Area (per Section 17.59.020(A) of the McMinnville Municipal Code); Reduced Landscaping Requirements Area (per Section 17.57.080).
6. **Current Use:** Vacant
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None (previous historic resource D878 demolished per docket number HL 1-18)
 - b. **Other:** None
8. **Other Features:** There is one existing mature street tree adjacent to the property. There are no other significant or distinguishing natural features associated with this property.
9. **Utilities:**
 - 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 sewer service is available to the subject site.
 - 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:** The subject property is bounded on the south by 1st Street. The McMinnville Transportation System Plan identifies 1st Street as a minor collector. Section 17.53.101 of the McMinnville Municipal Code identifies the right-of-way width for minor collector streets at 56 or 66 feet, depending on whether a bike lane exists. The McMinnville Transportation System Plan identifies 1st Street as having a bike sharrow and no bike lane, which results in the necessary

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right-of-way width of 56 feet. The existing right-of-way adjacent to the subject property is currently 60 feet in width. Therefore, no right-of-way dedication is required.

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 request 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: None.

FINDING: SATISFIED. The property is not listed on the McMinnville Historic Resources Inventory or the McMinnville Downtown Historic District that is listed on the National Register of Historic Places.

GOAL IV 4: TO PROMOTE THE DOWNTOWN AS A CULTURAL, ADMINISTRATIVE, SERVICE, AND RETAIL CENTER OF McMINNVILLE

Downtown Development Policies:

Policy 36.00 The City of McMinnville shall encourage a land use pattern that:

- 1. Integrates residential, commercial, and governmental activities in and around the core of the city;*
- 2. Provides expansion room for commercial establishments and allows dense residential development;*
- 3. Provides efficient use of land for adequate parking areas;*
- 4. Encourages vertical mixed commercial and residential uses; and,*
- 5. Provides for a safe and convenient auto-pedestrian traffic circulation pattern.*

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The proposal results in a new mixed-use and commercial establishment in the core of the city. The proposed structure is proposed to be vertical mixed-use with

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commercial office space on the ground floor and two residential dwelling units on the upper stories. The proposal includes the construction of new parking areas to serve the proposed uses, and the applicant has proposed shared use of the parking as allowed by the McMinnville Municipal Code to allow for more dense residential development and efficient use of land for parking areas.

Policy 39.00 The City of McMinnville shall encourage and allow the development of pocket parks, landscaping, and other natural amenities to provide a visual contrast between streets and parking lots and buildings to enhance the general appearance of the downtown.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The proposal includes a proposed plaza/courtyard space with some landscaping between the front of the building and the adjacent sidewalk and street (1st Street right-of-way). The proposed parking areas will be located behind the building to minimize their visual impact from the adjacent sidewalk and street.

Policy 44.00 The City of McMinnville shall encourage, but not require, private businesses downtown to provide off-street parking and on-site traffic circulation for their employees and customers.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The proposal includes the construction of new parking areas to serve the proposed uses, and the applicant has proposed shared use of the parking as allowed by the McMinnville Municipal Code to allow for more dense residential development and efficient use of land for parking areas.

Policy 46.01 The City shall, through its Landscape Review Committee, develop a list of street trees acceptable for planting within the public rights-of-way, parks and open spaces, and downtown. In addition, the committee shall develop standards for the planting of these trees, particularly within the downtown area, such that sidewalk and tree root conflicts are minimized. This effort should be coordinated with McMinnville Water and Light in an effort to minimize conflicts with utility lines.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The site has one existing mature street tree that is proposed to be retained if possible. If required to be removed due to conflicts with providing adequate utilities to serve the vacant parcel, a replacement street tree will likely be required by the Landscape Review Committee. Any future street tree removal request and potential replacement will be reviewed by the Landscape Review Committee and evaluated against the applicable review criteria within the McMinnville Municipal Code.

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

GOAL X 2: TO MAKE EVERY EFFORT TO ENGAGE AND INCLUDE A BROAD CROSS SECTION OF THE COMMUNITY BY MAINTAINING AN ACTIVE AND OPEN CITIZEN INVOLVEMENT PROGRAM THAT IS ACCESSIBLE TO ALL MEMBERS OF THE COMMUNITY AND ENGAGES THE COMMUNITY DURING DEVELOPMENT AND IMPLEMENTATION OF LAND USE POLICIES AND CODES.

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

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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 Downtown Design Review provides an opportunity for citizen involvement throughout the process through the public notice and the public meeting process. Throughout the process, there are opportunities for the public to review and obtain copies of the application materials and the completed staff report prior to the public meeting(s). 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 17.03. 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.

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 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: None.

FINDING: SATISFIED. The subject site is located in the Downtown Design area. The proposal includes complete new construction of a new building, so the provisions of the Downtown Design Standards and Guidelines chapter are applicable. Findings for the proposed new construction’s consistency with the applicable requirements of the Downtown Design Standards and Guidelines chapter are provided below.

17.59.030 Review Process.

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- 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.
 - 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: None.

FINDING: SATISFIED WITH CONDITION #1. The applicant submitted an application as required, and the application was reviewed by the Historic Landmarks Committee because the proposed construction activity consisted of new construction. Notification was provided to

property owners within 300 feet of the subject site, and the Historic Landmarks Committee met within 30 days of the date the application was deemed complete. A condition of approval is included to ensure that the eventual building construction is consistent with what was reviewed and approved by the Historic Landmarks Committee. The condition requires that the applicant submit building permit applications prior to completing any work, and that the construction plans submitted with the building permit applications will be reviewed by the Planning Director for consistency with the written narrative, exhibits, drawings, and renderings submitted for review by the Historic Landmarks Committee, along with any revisions to respond to other conditions of approval.

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: None.

FINDING: SATISFIED. The proposal is consistent with the City's historic preservation policies in the Comprehensive Plan, as described in more detail in the findings for those Comprehensive Plan policies above. The subject site is not designated as a historic landmark or resource on the McMinnville Historic Resources Inventory, and the property is outside of the McMinnville Downtown Historic District that is listed on the National Register of Historic Places. Therefore, the City's historic preservation regulations are not applicable to this request.

3. If applicable (waiver request), that all of the following circumstances are found to exist:
 - a. There is demonstrable difficulty in meeting the specific requirements of this Chapter due to a unique or unusual aspect of the site, an existing structure, or proposed use of the site;

APPLICANT'S RESPONSE: As mentioned above, we are seeking a waiver to allow for a plaza/courtyard area in front of the building. 17.59.050(A)(2) states: "Exceptions to the setback requirements may be granted to allow plazas, courtyards, dining space, or rear access for public pedestrian walkways." We are proposing a seven (7) foot setback for the following reasons:

- a. The proposed small plaza will provide a visual transition of the building massing between the fourteen (14) foot average setback of the nearby 1-2.5 story houses and the required zero setback of this 3-story building.
 - i. The proposed 7' plaza is the largest dimension to allow off-street parking behind the building.
 - ii. The proposed plaza has less setback than the adjacent single story post office to the east.
- b. The proposed plaza will include some landscaping to soften the transition between this commercial building and the nearby houses.
- c. The proposed plaza allows for better visibility in the new drive aisle for a safe exit onto 1st street.
- d. Functional Accessibility: the plaza will provide a few inches for slope from the existing sidewalk to the threshold of the accessible front door.

In summary, the waiver request meets the criteria in Section 17.59.040(A)(3)(a-c) because of the unique difficulty of the site, including but not limited to the narrow lot, city parking requirements, as well as visibility considerations for a safe exit onto First Street.

FINDING: NOT APPLICABLE. The City finds that the requested plaza space is allowed by as an exception by Section 17.59.050(A)(2), and therefore does not require a waiver request or findings against the waiver review criteria. Findings for the allowance of the exception are provided in the findings for Section 17.59.050(A)(2) below.

- b. There is demonstrable evidence that the alternative design accomplishes the purpose of this Chapter in a manner that is equal or superior to a project designed consistent with the standards contained herein; and

APPLICANT'S RESPONSE: Additionally, the alternative design accomplishes the purpose of the Chapter in a manner equal or superior to the standards in that it allows for a plaza space, including a visual transition and softening of the commercial buildings mixed with nearby houses even though it is all zoned C-3.

FINDING: NOT APPLICABLE. The City finds that the requested plaza space is allowed by as an exception by Section 17.59.050(A)(2), and therefore does not require a waiver request or findings against the waiver review criteria. Findings for the allowance of the exception are provided in the findings for Section 17.59.050(A)(2) below.

- c. The waiver requested is the minimum necessary to alleviate the difficulty of meeting the requirements of this Chapter.

APPLICANT'S RESPONSE: The waiver request is the minimum needed to meet the requirements of the Chapter and allow for the site to be feasible for our purposes as stated in this narrative application; we are not seeking a significant setback of fourteen (14) feet, for example, as did the previous owner's when they presented to the HLC on June 27, 2018 and were approved (with conditions) for the requested setback.

FINDING: NOT APPLICABLE. The City finds that the requested plaza space is allowed by as an exception by Section 17.59.050(A)(2), and therefore does not require a waiver request or findings against the waiver review criteria. Findings for the allowance of the exception are provided in the findings for Section 17.59.050(A)(2) below.

17.59.050 Building and Site Design.

A. Building Setback.

1. Except as allowed by this ordinance, buildings shall maintain a zero setback from the sidewalk or property line.
2. Exceptions to the setback requirements may be granted to allow plazas, courtyards, dining space, or rear access for public pedestrian walkways.

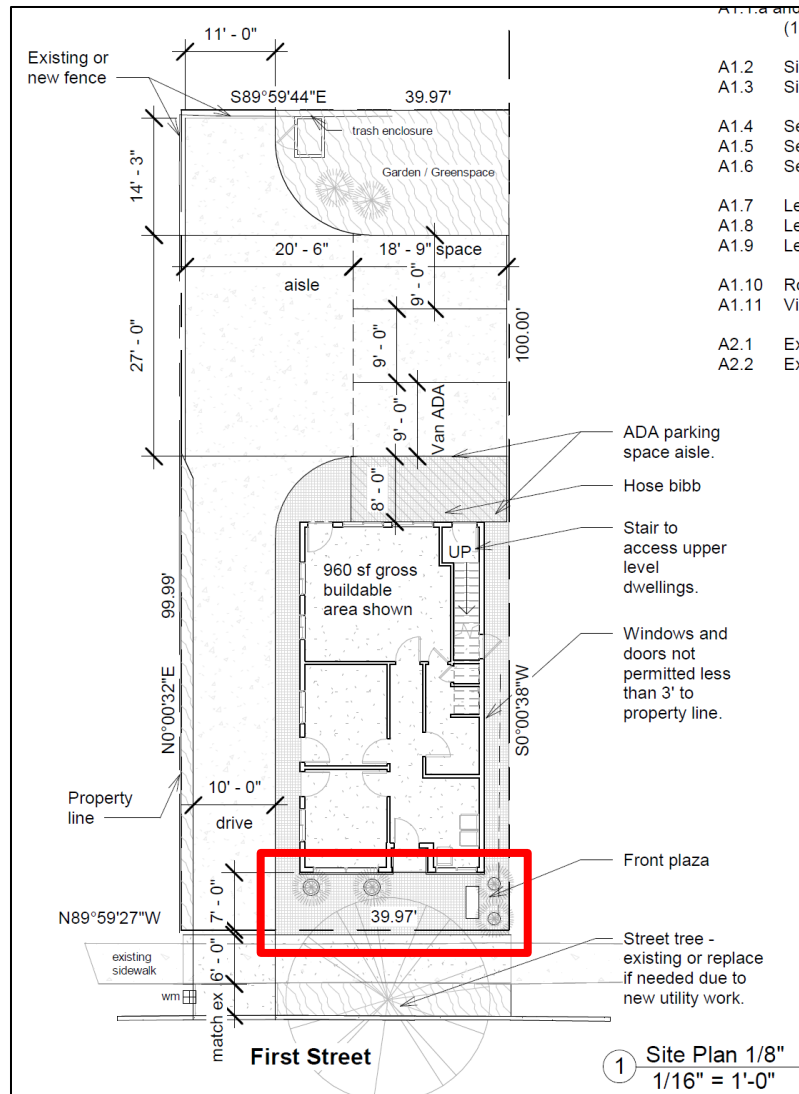
APPLICANT'S RESPONSE: the C-3 zone calls for a zero setback from the sidewalk or property line. We are seeking a waiver to allow for a plaza/courtyard area in front of the building. 17.59.050(A)(2) states: "Exceptions to the setback requirements may be granted to allow plazas, courtyards, dining space, or rear access for public pedestrian walkways." We are proposing a seven (7) foot setback for the following reasons:

- a. The proposed small plaza will provide a visual transition of the building massing between the fourteen (14) foot average setback of the nearby 1-2.5 story houses and the required zero setback of this 3-story building.

- i. The proposed 7' plaza is the largest dimension to allow off-street parking behind the building.
- ii. The proposed plaza has less setback than the adjacent single story post office to the east.
- b. The proposed plaza will include some landscaping to soften the transition between this commercial building and the nearby houses.
- c. The proposed plaza allows for better visibility in the new drive aisle for a safe exit onto 1st street.
- d. Functional Accessibility: the plaza will provide a few inches for slope from the existing sidewalk to the threshold of the accessible front door.

FINDING: SATISFIED WITH CONDITION #2. The City concurs with the applicant's findings, and allows for the exception to the zero foot setback from the property line based on the fact that the plaza space is being provided. The plaza space, and therefore the 7 foot setback, is allowed based on the reasoning provided by the applicant. The City adds that the applicant also provided visual examples of other plaza spaces that allowed for building setbacks within the Downtown Design Area. These examples of other plaza spaces are available within the application materials attached to this decision document (and on file with the Planning Department). In order to clearly identify this space as a plaza, a condition of approval is included to require that the plaza space be of a different material or finish (concrete scoring, etc.) to provide visual identification of the plaza space and differentiation between the plaza and the adjacent sidewalk and drive aisle spaces.

The plaza space and setback can be identified in the site plan below:



17.59.050 Building and Site Design

B. Building Design.

1. Buildings should have massing and configuration similar to adjacent or nearby historic buildings on the same block. Buildings situated at street corners or intersections should be, or appear to be, two-story in height.

APPLICANT’S RESPONSE: The location for the proposed building is in a transition neighborhood, where older single and multifamily dwellings are being replaced with commercial buildings which are larger in massing and configuration than the nearby older houses. The area is zoned C-3, so while the city planned for this transition to occur, newer commercial buildings designed to meet the downtown design standards will appear visually different from adjacent houses and older commercial structures.

A building designed to be similar to adjacent houses will not meet the downtown design standards. A building designed to match adjacent house front setbacks will not allow space on this small site for critical off-street parking. A building designed to be smaller in mass will not be financially feasible.

The site plan shows a rectangular footprint which is seen in the buildings in all four directions around the property. The average square feet of the five (5) buildings to the North and West on

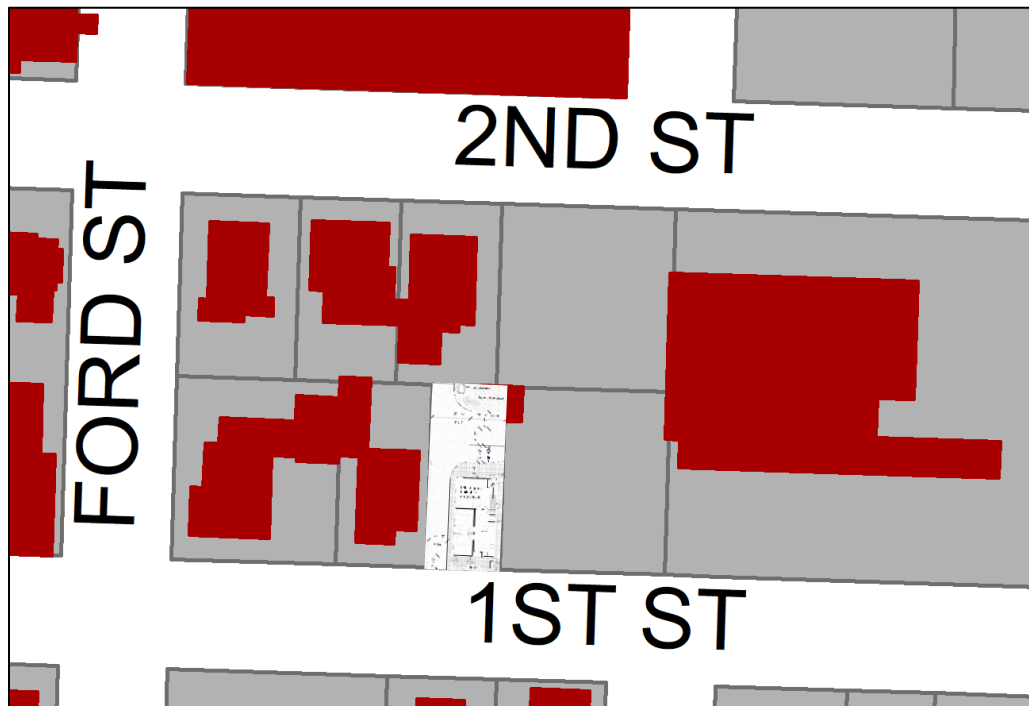
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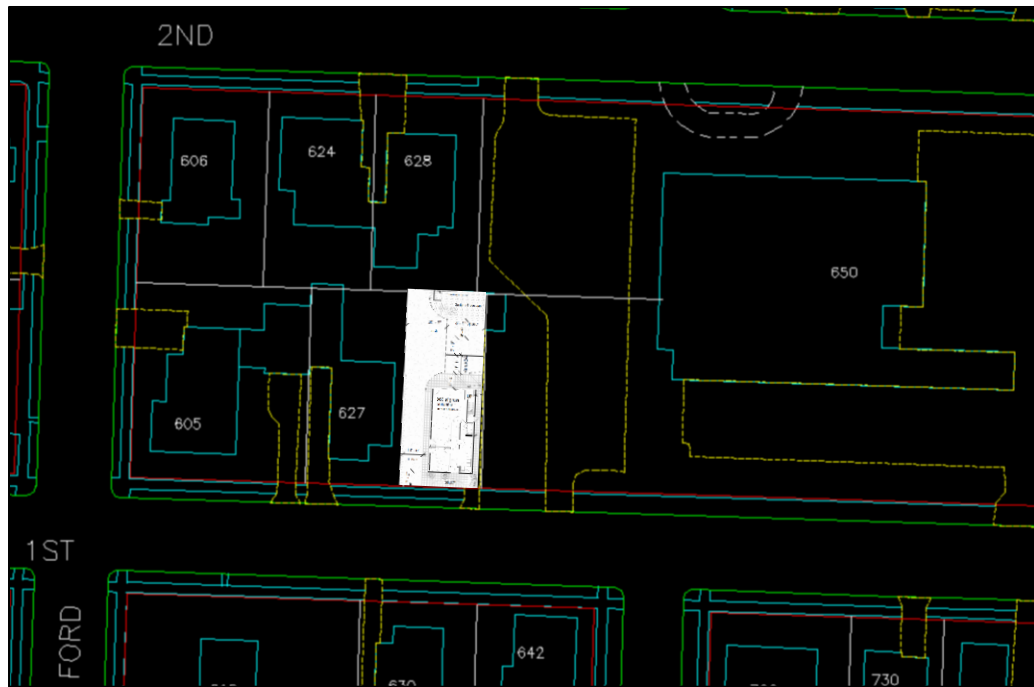
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the same block is 3,109 square feet. The Post Office building is a rectangular building with larger overall massing, but the effect is reduced with the setback and being a single story structure. The three (3) properties to the South, across First Street, average 3,286 square feet and are rectangular building footprints.

FINDING: SATISFIED. The City partially concurs with the applicant’s findings. The City concurs that the rectangular footprint and size of the footprint of the proposed building are similar in configuration to adjacent and nearby historic buildings on the same block. The City adds that the combination of the proposed building footprint size and location of the building on the lot will result in a similar configuration to the lots on which the adjacent historic buildings are located. The proposed configuration of the new building includes a slight setback that is not quite as large but is similar to adjacent historic buildings on the same block. The configuration of the proposed building on the lot also provides for other open spaces on the site that are similar to adjacent properties. These open spaces will allow for a plaza in the front of the building (usable front yard space), a driveway/drive aisle along the side of the building, parking areas behind the building, and a small usable green space behind the building similar to back yards of adjacent properties. This configuration and location of the building on the lot results in a similar proportion of the lot being covered with building footprint as exists on the lots of adjacent historic buildings.

The drawings below identify the approximate configurations of the adjacent historic homes and their configurations on their lots (note that the building shown on the subject property no longer exists, and the post office building to the east is not designated as a historic building). The site plan for the proposed new building is overlaid on top of these drawings to provide a visual of the configuration of the building on the lot (note that the site plan is not shown to the exact scale as the surrounding lots, but the inclusion of the site plan is intended as a general visual representation of the configuration of the building on the lot).





In regards to massing, the City partially concurs with the applicant's findings. The City does acknowledge that the proposed design of the building, which meets the applicable Downtown Design Standards as described in the findings above and below, will result in a building that appears visually different from adjacent historic buildings on the same block. This is because, in this case, the existing historic buildings on the same block are residential buildings and uses. While different in visual appearance, the City finds that the overall massing of the proposed new building is similar to adjacent and nearby historic buildings on the same block. Besides the single story building immediately adjacent to the west, all other historic buildings on the same block are 2-2.5 stories, have square or rectangular building forms, and are of a height that is similar to the proposed new building when incorporating the maximum height of the peak of the gable or hipped roofs. The height of the proposed new building is approximately 34 feet. The exact heights of adjacent buildings is not known, but is estimated to be near 30 feet in height when measured to the roof peaks. The proposed new building includes a flat roofline in order to achieve the Downtown Design Standard in Section 17.59.050(B)(4), which also specifically discourages gable roof shapes or other residential roof forms. However, the overall massing of the proposed new building is similar to adjacent historic buildings on the same block, in that the height and building size is similar.

The height and massing of some of the adjacent historic buildings on the same block can be seen below:

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605 NE 1st Street



606 NE 2nd Street



624 NE 2nd Street



In addition, the proposed new building includes a step back of the front building wall on the third story, which will reduce some of the visual appearance of the flat roofline, building height, and building massing when viewed from the adjacent sidewalk and right-of-way.

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- B. Building Design. [...]
 - 2. Where buildings will exceed the historical sixty feet in width, the façade should be visually subdivided into proportional bays, similar in scale to other adjacent historic buildings, and as appropriate to reflect the underlying historic property lines. This can be done by varying roof heights, or applying vertical divisions, materials and detailing to the front façade.

APPLICANT’S RESPONSE: Not applicable, proposed building is 22'-6" wide, less than 60'.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

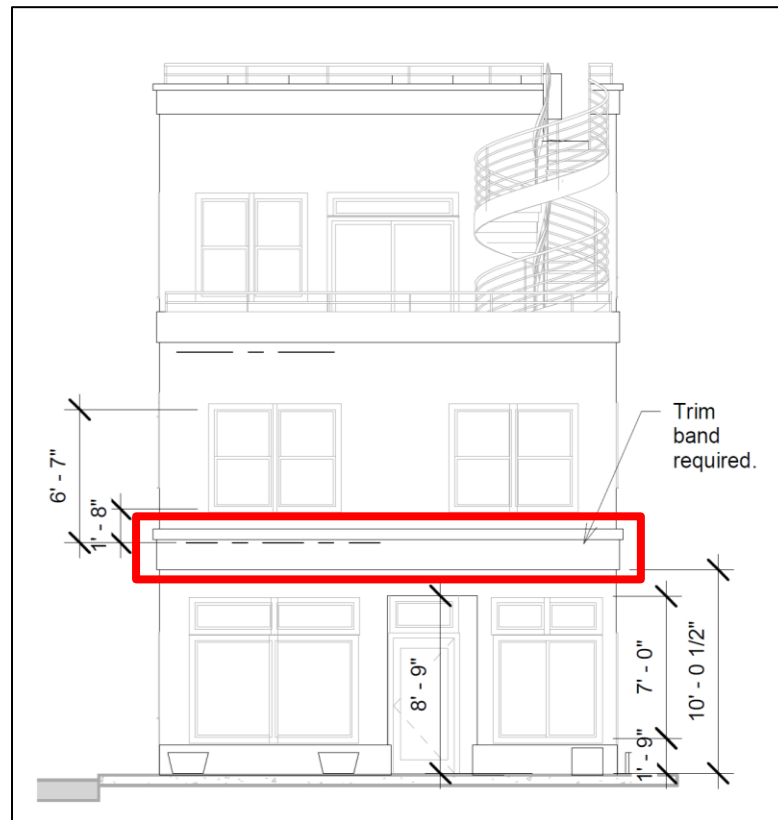
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- B. Building Design. [...]
 - 3. Storefronts (that portion of the building that faces a public street) should include the basic features of a historic storefront, to include:
 - a. A belt course separating the upper stories from the first floor;

APPLICANT’S RESPONSE: The storefront portion of the building (office ground floor) includes: [...] A belt course, or nearly 2' wide trim band, which separates the upper 2 stories from the commercial ground level.

FINDING: SATISFIED WITH CONDITION #5. The City concurs with the applicant’s findings. The City adds that the belt course is proposed to continue around the entirety of the building on all four elevations. The belt course feature as identified in the elevations includes a narrow band along the top of the belt course and a wider band along the lower portion of the belt course. Each layer of these two bands have different dimensions that extend outward from the remainder

of the building wall. The belt course between the first floor and the upper stories can be seen below:



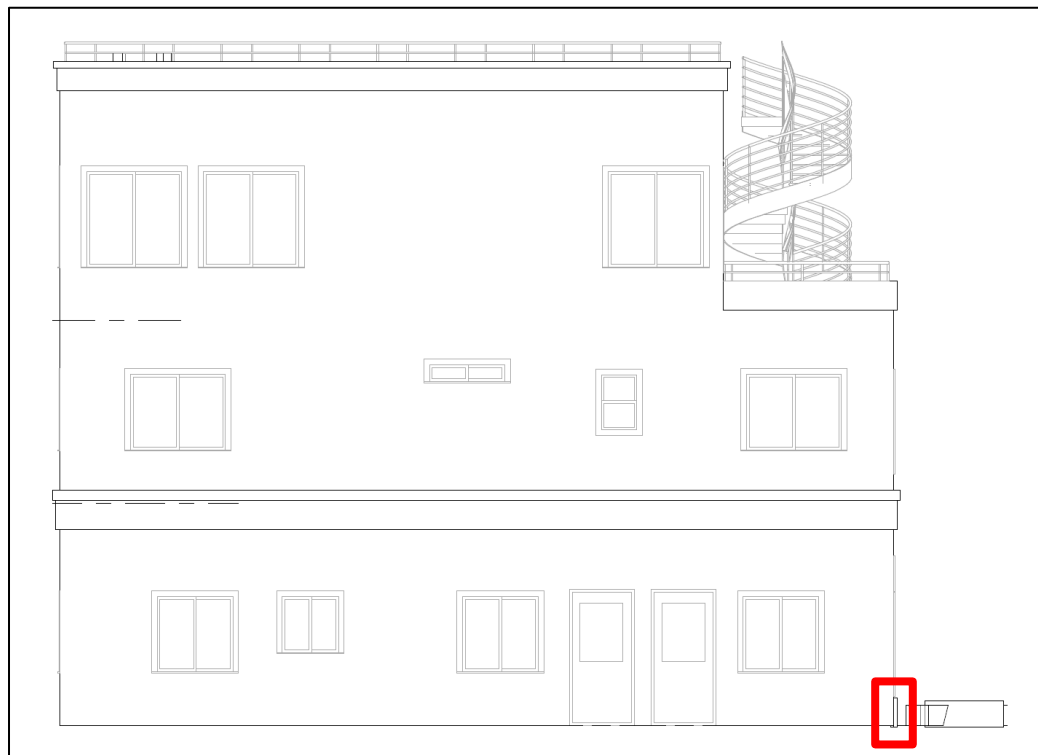
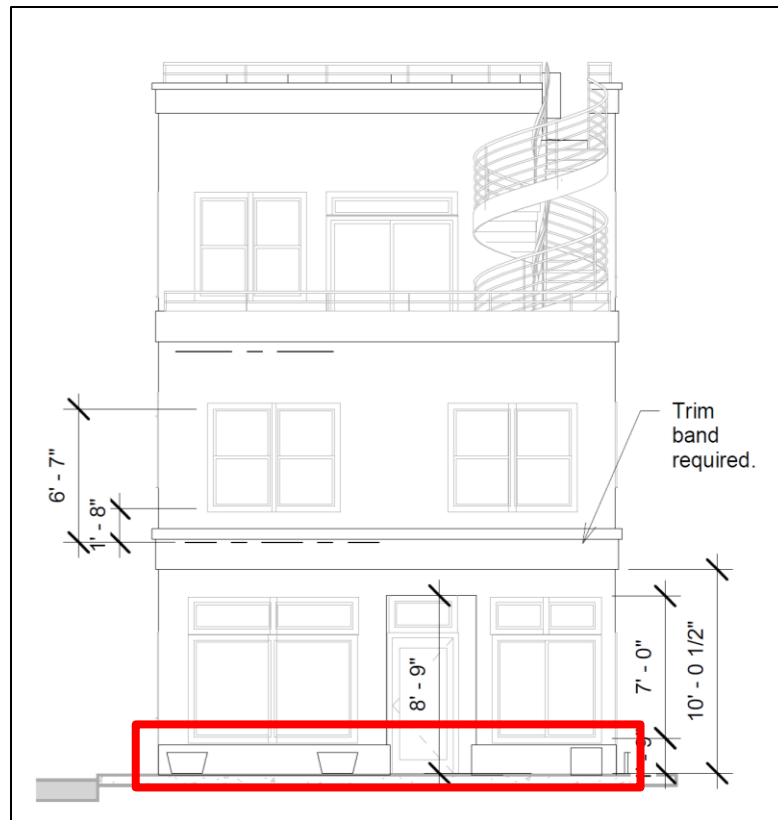
Another belt course or trim feature is proposed between the second and third stories. In order to maintain the visual characteristic of this additional belt course architectural feature, a condition of approval is included to require that the railing along the third story balcony be removed and the parapet wall be increased in height as necessary to meet code requirements for the balcony wall.

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- B. Building Design. [...]
 - 3. Storefronts (that portion of the building that faces a public street) should include the basic features of a historic storefront, to include: [...]
 - b. A bulkhead at the street level;

APPLICANT'S RESPONSE: The storefront portion of the building (office ground floor) includes: [...] A nearly 2' bulkhead is provided at the street level under the window sills along the street facade. Proposed finish is stucco.

FINDING: SATISFIED. The City concurs with the applicant's findings. The bulkhead feature as identified in the front elevation has a dimensionality that extends outward from the remainder of the building wall. The stucco bulkhead proposed can be seen below:



17.59.050 Building and Site Design

B. Building Design. [...]

3. Storefronts (that portion of the building that faces a public street) should include the basic features of a historic storefront, to include: [...]

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- c. A minimum of seventy (70) percent glazing below the transom line of at least eight feet above the sidewalk, and forty (40) percent glazing below the horizontal trim band between the first and second stories. For the purposes of this section, glazing shall include both glass and openings for doorways, staircases and gates;

APPLICANT’S RESPONSE: The storefront portion of the building (office ground floor) includes: [...] The proposed glazing and entry door recess in the lower 8' of the front facade exceeds the 70% minimum area requirement. There is more than 40% area devoted to glazing and the entry door recess between the belt course (also known as a horizontal trim band separating ground level from second level) and the ground level.

FINDING: SATISFIED. The City concurs with the applicant’s findings, but adds that the glazing below the transom line (which is 8’ 9” from grade) is approximately 137.83 square feet. Based on the façade width of 22.5’, the area below the transom line is approximately 196.875 square feet. Therefore, the amount of glazing below the transom line is just over 70%, and the amount of glazing below the horizontal belt course between the first and second stories (which is at just about 10’ in height) is approximately 61%.

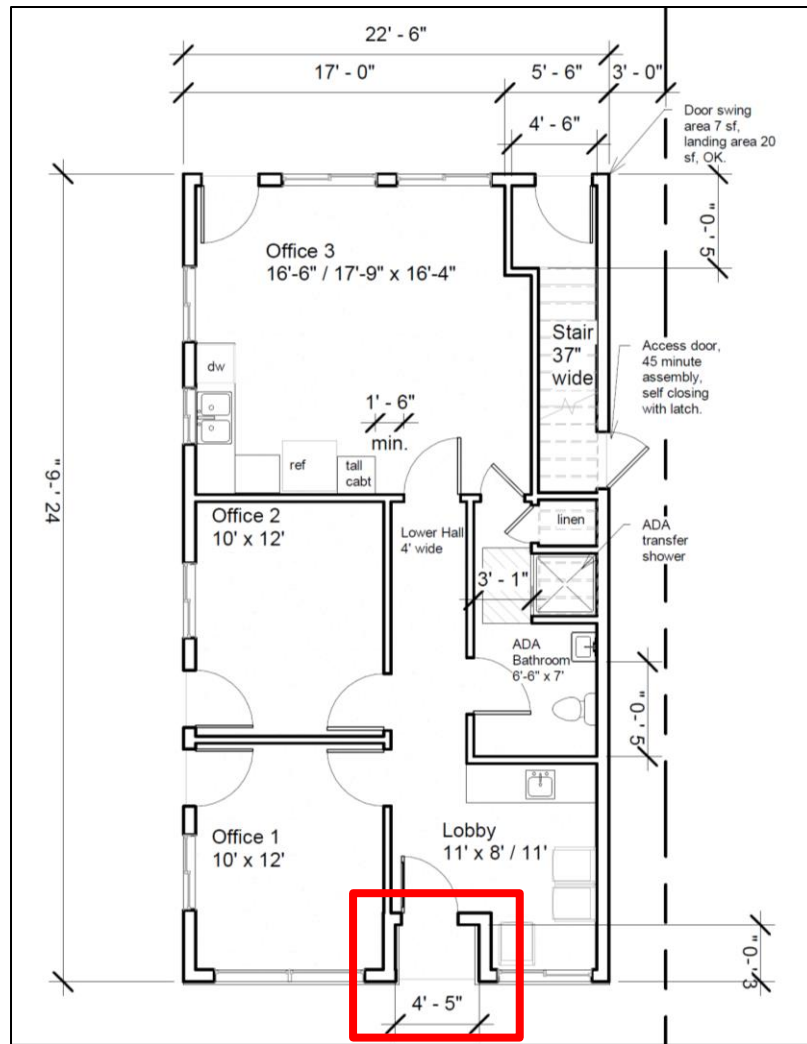
17.59.050 Building and Site Design

B. Building Design. [...]

3. Storefronts (that portion of the building that faces a public street) should include the basic features of a historic storefront, to include: [...]
- d. A recessed entry and transom with transparent door; and

APPLICANT’S RESPONSE: The storefront portion of the building (office ground floor) includes: [...] A recessed entry with full glazed door and transom is provided that is both accessible and meets the design standard requirements.

FINDING: SATISFIED. The City concurs with the applicant’s findings. The floor plan and rendering provided with the application materials depict the recessed entry and transparent door proposed on the south (1st Street facing) façade, as seen below:



17.59.050 Building and Site Design

B. Building Design. [...]

- 3. Storefronts (that portion of the building that faces a public street) should include the basic features of a historic storefront, to include: [...]

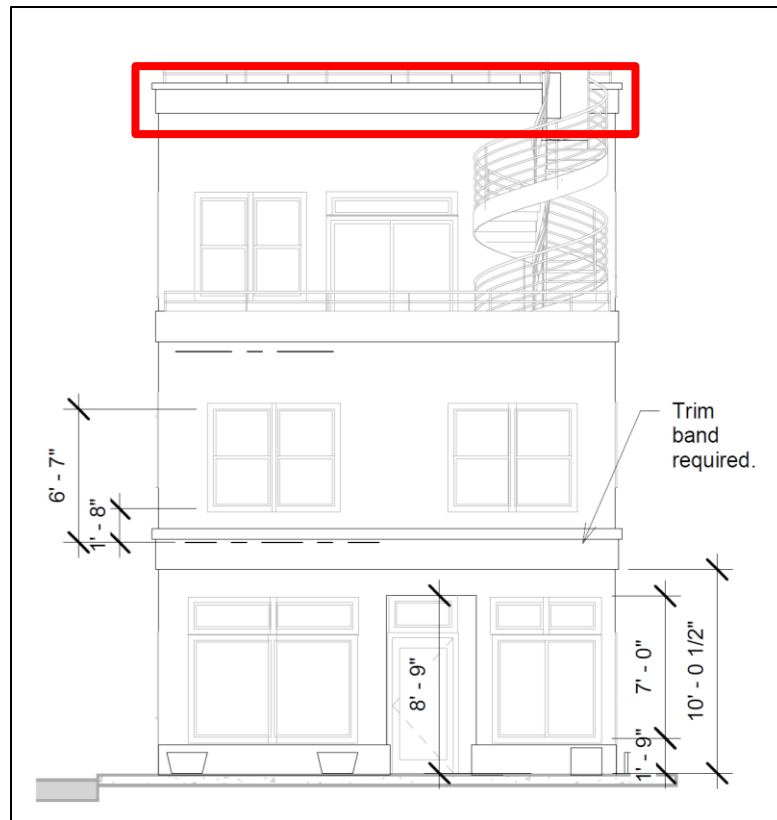
 - e. Decorative cornice or cap at the roofline.

APPLICANT’S RESPONSE: The storefront portion of the building (office ground floor) includes: [...] There is a decorative trim at the top of the parapet wall and at the top of the front wall wrapping around the roof deck on the third level.

FINDING: SATISFIED. The City concurs with the applicant’s findings. The City would add that the decorative cornice or cap at the roofline is proposed to continue around the entirety of the building on all four elevations. The decorative cornice feature as identified in the elevations includes a narrow band along the top of the cornice and a wider band along the lower portion of the cornice. Each layer of these two bands have different dimensions that extend outward from the remainder of the building wall. The cornice/cap trim can be seen below:

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B. Building Design. [...]

4. Orientation of rooflines of new construction shall be similar to those of adjacent buildings. Gable roof shapes, or other residential roof forms, are discouraged unless visually screened from the right-of-way by a false front or parapet.

APPLICANT'S RESPONSE: Proposed building is oriented with the narrow face to the street, similar to nearby houses. The proposed flat roofline is similar to other C-3 buildings, including the adjacent Post Office building. As noted in 17.59.050(8)(4) "Gable roof shapes, or other residential roof forms, are discouraged ..." There are many examples within historic downtown design standard that demonstrate a flat roof with a parapet at street-visible facades. We want to avoid creating any more visual height, and a gable roof line would add to overall building height. We intend to cover a portion of the roof in an ecoroof or green roof that will be a combo of sedum and grasses.

FINDING: SATISFIED. The City concurs with the applicant's findings, and adds that gable or residential roof forms that exist on other adjacent buildings to the north and west are specifically discouraged by this design standard.

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B. Building Design. [...]

5. The primary entrance to a building shall open on to the public right-of-way and should be recessed.

APPLICANT'S RESPONSE: The primary entrance is recessed 3' from the street face of the building.

FINDING: SATISFIED. The City concurs with the applicant's findings, but adds that the recessed entry does not open on to the public right-of-way given that the proposed building

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includes a plaza space on the front of the building as allowed by an exception to the zero foot setback requirement. Findings for this plaza on the front of the building are provided above. The primary entrance is recessed and opens onto this plaza, which in turn fronts onto the public right-of-way and sidewalk space along 1st Street.

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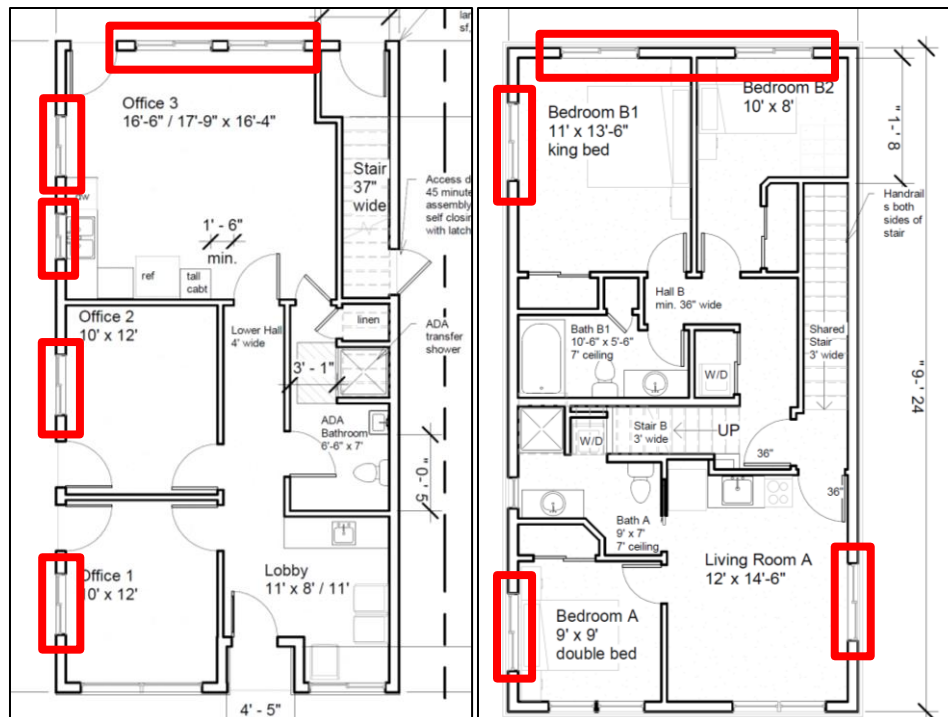
B. Building Design. [...]

6. Windows shall be recessed and not flush or project from the surface of the outer wall. In addition, upper floor window orientation primarily shall be vertical.

APPLICANT’S RESPONSE: We have set the windows flush to the inside face of the building so they appear to be recessed. We have oriented the upper story windows as vertical using single-hung windows, per 17.59.050(8)(5-6).

FINDING: SATISFIED WITH CONDITION #3. The City concurs with the applicant’s findings, but adds that the windows on the side elevations appear in the floor plans to be flush to the outside face of the building. A condition of approval is included to require that on the building permit construction plans submitted for the proposed building, all windows on the building shall be set flush to the inside face of the building so that they are recessed and not flush against the surface of the outer wall.

The floor plans and window locations shown in the floor plans can be seen below (note that the same applies to the third story, but only the first and second story are identified below). Areas where windows do not appear to be completely flush to the inside face of the building wall are identified.



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B. Building Design. [...]

7. The scale and proportion of altered or added building elements, such as new windows or doors, shall be visually compatible with the original architectural character of the building.

APPLICANT’S RESPONSE: This is an entirely new building, so this item is not applicable.

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FINDING: SATISFIED. The City concurs with the applicant’s findings.

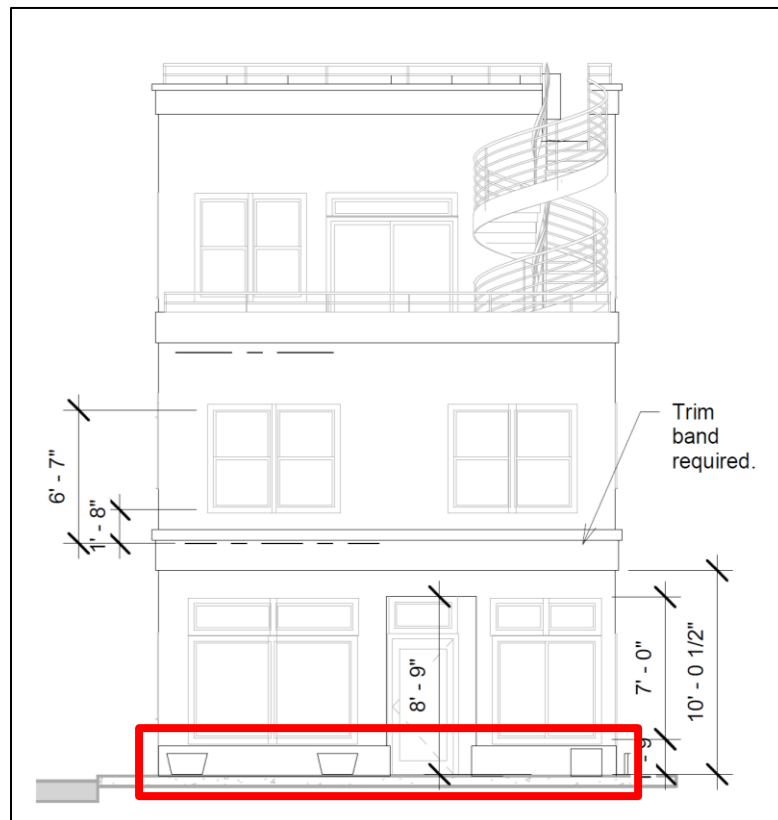
17.59.050 Building and Site Design

B. Building Design. [...]

8. Buildings shall provide a foundation or base, typically from ground floor to the lower windowsills.

APPLICANT’S RESPONSE: A nearly 2' bulkhead is provided at the street level under the window sills along the street facade. Proposed finish is stucco and will be a dark grey to tie into the other trim color.

FINDING: SATISFIED. The City concurs with the applicant’s findings. The foundation or base is proposed to be the same feature described as the bulkhead above, and can be seen below:



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C. Building Materials.

1. Exterior building materials shall consist of building materials found on registered historic buildings in the downtown area including block, brick, painted wood, smooth stucco, or natural stone.

APPLICANT’S RESPONSE: The proposed building exterior materials will be smooth stucco. The proposed horizontal trim bands will be stucco. Windows will be black exterior frames. Prefinished metal is proposed for the visible railings for the roof decks and spiral stair access to upper roof. No awnings are proposed.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

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- C. Building Materials. [...]
2. The following materials are prohibited for use on visible surfaces (not applicable to residential structure):
 - a. Wood, vinyl, or aluminum siding;
 - b. Wood, asphalt, or fiberglass shingles;
 - c. Structural ribbed metal panels;
 - d. Corrugated metal panels;
 - e. Plywood sheathing, to include wood paneling such as T-111;
 - f. Plastic sheathing; and
 - g. Reflective or moderate to high grade tinted glass.

APPLICANT’S RESPONSE: There are no prohibitive materials proposed on this commercial structure.

FINDING: SATISFIED. The City concurs with the applicant’s findings.

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: Exterior building colors shall be low reflective light grey with medium and dark grey trim bands and black trim along the parapet. Exterior finish of visible metal railings and stair will be black to match the windows.

FINDING: SATISFIED WITH CONDITION #4. The applicant provided color renderings of the building that identify exterior colors. The colors shown in the rendering consist of shades of grey, which are generally all subtle, neutral, and earth tones. Black is proposed but only for windows, trim, metal railings, and exterior stairs, which can be allowed for building trim materials. To ensure that the final colors applied to the building are subtle, neutral, and earth tone in color, a condition of approval is included to require that the applicant provide samples or examples of the exterior building colors to the Historic Landmarks Committee for review and approval prior to application on the building.

The renderings of the building can be seen below:



17.59.060 Surface Parking Lots.

A. Surface parking lots shall be prohibited from locating on Third Street. In addition, vehicular access to parking lots from Third Street is prohibited.

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APPLICANT’S RESPONSE: The off-street parking is set behind the building, screened from view from First Street. Vehicle access is allowed from First Street. Design complies.

FINDING: SATISFIED. The proposed off-street surface parking lot is not located on Third Street, as the property is located adjacent to and accessed from 1st Street.

- B. All parking lots shall be designed consistent with the requirements of Section 17.60.080 of the McMinnville Zoning Ordinance.

APPLICANT’S RESPONSE: Parking lot designed per 17.60.080:

- a. Lot and driveway will be paved.
- b. Not applicable to residential standards.
- c. Driveway and parking lot access and maneuvering will be reviewed and approved by city prior to construction.
- d. Parking areas will have a curb at edges. There is a sight-obscuring fence along the residential properties. Exterior lighting for the parking lot will be shielded so not to shine into residential zone.
- e. Parking lot spaces are designed to meet minimum standards.
- f. Parking space types and proportions are designed to meet McMinnville standards.
- g. Driveway and parking lot access and maneuvering will be reviewed and approved by city prior to construction.

FINDING: SATISFIED. The City concurs with the applicant’s findings. The City adds that the Planning Director has allowed for the proposed narrower access drive aisle, maneuvering space adjacent to the parking spaces, and the use of shared parking between uses on the site, as permitted by Sections 17.60.080(G) and 17.60.120 of the McMinnville Municipal Code.

- C. A hedge or wall, thirty (30) inches in height, or dense landscaping within a buffer strip a minimum of five feet in width shall be placed along the streetside edge of all surface parking lots. Landscaping within the buffer strip shall include street trees selected as appropriate to the situation and spaced according to its type, shrubs spaced a minimum of three feet on center, and groundcover. A landscaping plan for this buffer shall be subject to review and approval by the McMinnville Landscape Review Committee.

APPLICANT’S RESPONSE: The parking lot is set behind the building, out of view of the street. Adjacent residential properties have 6' visually solid fencing. Adjacent to the post office parking lot is an existing landscape strip with mature trees and shrubs.

FINDING: SATISFIED. The City concurs with the applicant’s findings, but adds that because the parking spaces are located behind the building, they are screened from view and do not have a direct streetside edge. Therefore, the specific landscaping buffer requirements of this section are not applicable. However, screening of the parking spaces and use, which may include landscaping or fencing, will be reviewed in greater detail by the Landscape Review Committee as part of the landscape plan for the subject site. Any landscaping or other features around the parking spaces will be reviewed against the applicable landscape plan review criteria during the Landscape Plan Review process.

17.59.070 Awnings.

- A. Awnings or similar pedestrian shelters shall be proportionate to the building and shall not obscure the building’s architectural details. If transom windows exist, awning placement shall be above or over the transom windows where feasible.
- B. Awnings shall be placed between pilasters.

- C. Where feasible, awnings shall be placed at the same height as those on adjacent buildings in order to maintain a consistent horizontal rhythm along the street front.
- D. Awnings should be constructed of soft canvas, fabric, or matte finished vinyl. The use of wood, metal or plastic awnings is prohibited.
- E. Awnings may be indirectly illuminated; internal illumination of awnings is prohibited.
- F. Awning colors shall be of a low reflective, subtle, neutral or earth tone color. The use of high intensity colors such as black, neon, metallic or florescent colors for the awning are prohibited.

APPLICANT’S RESPONSE: No awnings are proposed for this project.

FINDING: NOT APPLICABLE. The City concurs with the applicant’s findings, in that no awnings are proposed on the new building. Therefore, the standards related to awnings are not applicable to the proposed project.

17.59.080 Signs.

- A. The use of flush-mounted signs, flag-mounted signs, window signs, and icon signs are encouraged. Sign materials shall be compatible with materials used in the building.
- B. Where two or more businesses occupy the same building, identifying signs should be grouped together to form a single panel.
- C. Wall signs shall be placed in traditional locations in order to fit within architectural features, such as: above transoms; on cornice fascia boards; or, below cornices. Wall signs shall not exceed the height of the building cornice.
- D. For every lineal foot of building frontage, 1.5 square feet of signage may be allowed, to a maximum of 200 square feet.
- E. The use of the following are prohibited in the downtown area:
 - 1. Internally-lit signs;
 - 2. Flashing signs
 - 3. Pedestal signs and pole-mounted signs;
 - 4. Portable trailer signs;
 - 5. Cabinet-type plastic signs;
 - 6. Billboards of all types and sizes;
 - 7. Historically incompatible canopies, awnings, and signs;
 - 8. Signs that move by mechanical, electrical, kinetic or other means; and,
 - 9. Inflatable signs, including balloons and blimps. (Ord. 4797 §1, 2003).

APPLICANT’S RESPONSE: We will comply with the sign regulations. The maximum sign area will be 22.5 LF building frontage x 1.5 SF sign/ LF = 33.75 SF maximum sign area.

FINDING: SATISFIED. The City concurs with the applicant’s findings, but clarifies that any future signage for the new building will be reviewed against the applicable sign standards during the sign permit review process. As stated by the applicant, the maximum amount of signage allowed will be 33.75 square feet based on the 22.5 feet of building frontage.

CD