



**CITY OF MCMINNVILLE
PLANNING DEPARTMENT**

231 NE FIFTH STREET
MCMINNVILLE, OR 97128

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DECISION, FINDINGS OF FACT, AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A PARKING VARIANCE FOR A HISTORICAL STRUCTURE TO REDUCE THE REQUIRED NUMBER OF OFF-STREET PARKING SPACES BY 50 PERCENT FROM THE STANDARD REQUIREMENT OF 26 PARKING SPACES TO 13 PARKING SPACES.

DOCKET: VR 4-21 (Variance)

REQUEST: The applicant has requested approval of a parking variance for historical structures, to reduce the parking requirement by 50 percent, from twenty-six (26) parking spaces to thirteen (13) parking spaces.

LOCATION: The subject site is located at 425 NE Evans Street; R4421BC02800

ZONING: C-3 (General Commercial)

APPLICANT: David Queener, JADA Ventures, LLC.

STAFF: Monica Bilodeau, Senior Planner

DATE DEEMED COMPLETE: January 10, 2022

HEARINGS BODY: McMinnville Planning Commission. Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the Zoning Ordinance.

DATE & TIME: February 17, 2022, 6:30 p.m.
<https://mcminnvilleoregon.zoom.us/j/85631794745?pwd=RGlmaXFWYms0a0ovakxua0hNci9lUT09>

Meeting ID: 856 3179 4745 Passcode: 286067

The public may also join the Zoom meeting by phone by using the phone number and meeting ID below:

Phone: +1 253 215 8782 Meeting ID: 856 3179 4745

APPLICABLE CRITERIA: McMinnville Municipal Code (MMC) Title 17 (Zoning Ordinance): Section 17.74.100. Variance – Planning Commission Authority; Section 17.60.150. Parking Variances for Historical Structure Section 17.60.060.C.9. Spaces; and 17.60.100 reduced requirements for certain area.

APPEAL: As specified in Section 17.72.180 of the Zoning Ordinance, the Planning Commission’s decision may be appealed to the City Council within 15 calendar days of the date the written notice of decision is mailed. The City’s final decision is subject to the 120-day processing timeline, including resolution of any local appeal, which in this case is May 10, 2022

COMMENTS: This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, Public Works, Wastewater Services, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. Their comments are provided in this exhibit.

DECISION

Based on the findings and conclusions, the Planning Commission **APPROVES** the variance request (VR 4-21) subject to conditions.

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DECISION: APPROVAL
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Planning Commission: _____
Roger Hall, Chair of the McMinnville Planning Commission

Date: _____

Planning Department: _____
Heather Richards, Planning Director

Date: _____

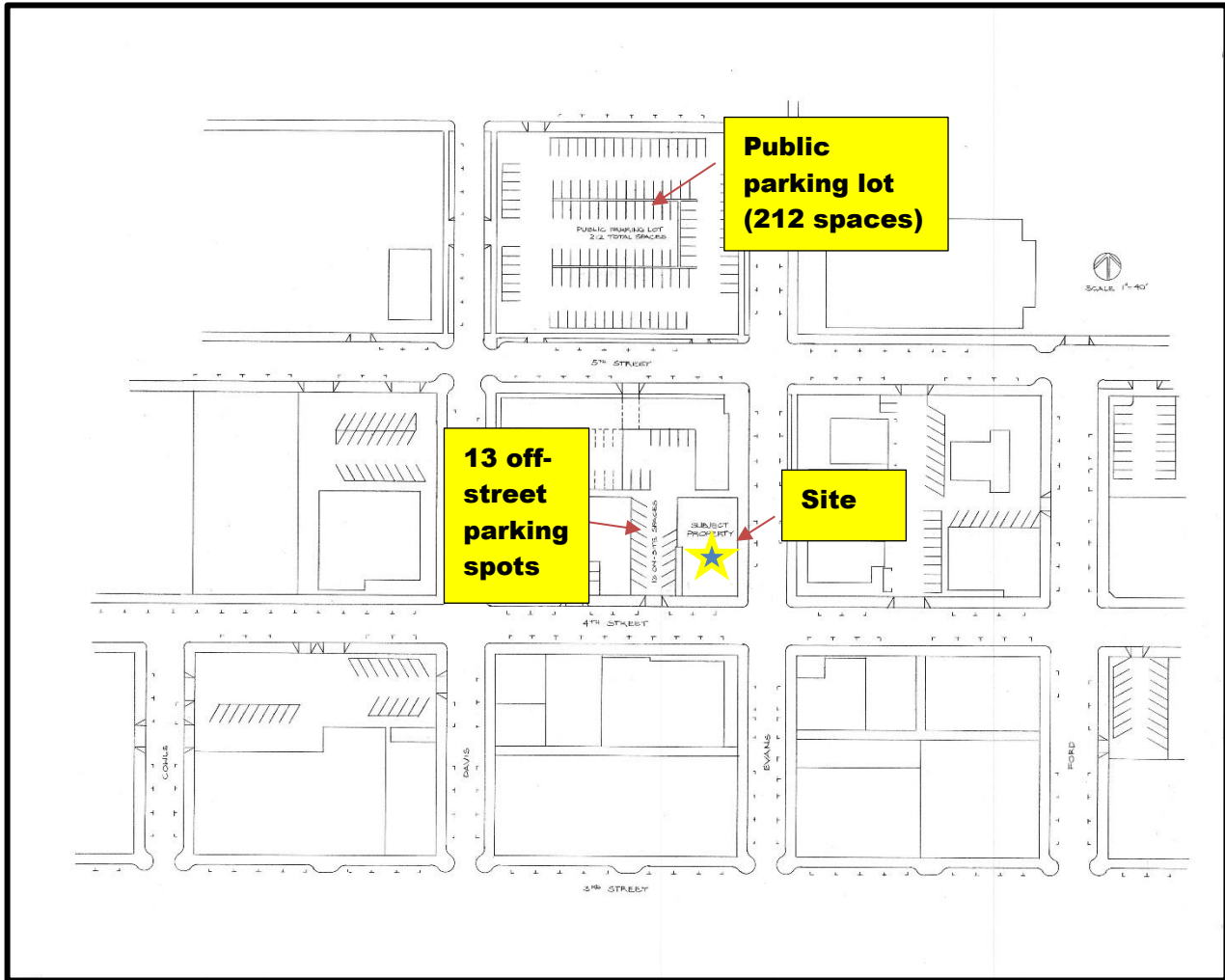
I. APPLICATION SUMMARY:

The applicant has requested a historical structure parking variance to reduce the existing required number of off-street parking spaces from twenty-six (26) parking spaces to thirteen (13) parking spaces. The subject site is located at 425 NE Evans Street, on the corner of NE Fourth Street and Evans Street. All other adjacent properties surrounding the site are commercially zoned (C3) properties.

The subject site location can be seen below:



The proposed parking plan can be seen below:



This is an existing historic structure known as the Stark Building. The Two Dogs Tapouse is currently located at 608 NE 3rd Street and would like to move the restaurant to this location.

II. CONDITIONS:

1. Prior to occupancy at least one parking spot be signed and stripped for accessible parking.

III. COMMENTS:

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, Public Works, Wastewater Services, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The following comments had been received:

- McMinnville Engineering Department:
No comments were received.
- McMinnville Water and Light:

MW&L has no comments on this application.

- McMinnville Building Department:

Building permits will be necessary for the interior remodel. Prior to occupancy at least one parking spot will need to be signed and striped for accessible parking.

- McMinnville Fire Department:

Fire has no comments on this application.

Public Comments

Notice of this request was mailed to property owners located within 300 feet of the subject site on January 27, 2022. Notice of the public hearing was also provided in the News Register on Wednesday, February 4, 2022. As of the date of the Planning Commission public hearing no public testimony had been received by the Planning Department.

IV. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicant, David Queener, has requested a historic structures parking variance to reduce the required number of off-street parking spaces from twenty-six (26) parking spaces to thirteen (13) parking spaces.
2. The subject site is located at 425 NE Evans Street. Tax lot R4421BC02800
3. The subject property is currently zoned C-3 (General Commercial) and is designated as a historic building.
4. This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, Public Works, Wastewater Services, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. Their comments are provided below.
5. Notice of the public hearing was provided by the City of McMinnville on January 27th, 2022. No public comment was received prior to the public hearing.

V. CONCLUSIONARY FINDINGS:

McMinnville's Zoning Ordinance:

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

Chapter 17.60 – Off-Street Parking and Loading

17.60.060(C) Commercial land use category:

9. Establishments for sale and consumption on the premises of beverages, food, or refreshments– One space per 100 square feet of floor area.

Attachments:

Attachment 1 – Application and Attachments

17.60.100 Reduced requirements for certain area.

A. In the area bounded by Adams Street, Ford Street, Fourth Street, and Seventh Street, required off-street parking spaces for commercial establishments may be one-half of the number stated for the particular use in Section 17.60.060 (see special parking requirements map below).

FINDING: The site is located on the northwest corner of 4th and Evans and within the area designated to have one-half the number of stated parking spaces for the particular use. The existing space is 5,200 square feet and the proposed use is a taphouse. This type of use requires one space per 100 square feet of floor area. Therefore, 52 off-street parking spaces are required of this use, then with the downtown reduction this reduces the number that would required to 26 parking spots.

17.60.150 Parking Variances for Historic Structures.

A. A variance to the parking requirements of Chapter 17.60 (Off-Street Parking and Loading) of this ordinance may be granted in the circumstance where an existing historic structure located in the C-3 zone or O-R zone is being converted to a different use or occupancy subject to the following conditions:

1. Only those structures which have been categorized as "distinctive" or "significant" historic resources by the Historic Landmarks Committee shall be eligible under this section for a variance to the parking requirements.
2. The Planning Director may grant variances to the parking requirements for up to and including five vehicles. Variances for greater than five vehicles must be granted by the Planning Commission.
3. Variances approved under this section are not transferable and are valid only for the specific occupancy or use for which they are granted. Any new use proposed for a structure, or on property for which a parking variances has been granted, regardless if such new use is in the same land use category as the old use, must either be provided with the required parking or receive separate approval of a parking variance.
4. All variances shall be recorded by the applicant in the Deed Records of Yamhill County for the purpose of informing any new occupant or owner that the property has been granted a variance and may be subject to conditions.

FINDING: This chapter applies as this building has been deemed a historic structure. The variance requested is for greater than five vehicles therefore it requires this action be taken to Planning Commission for review.

B. The process for granting parking variances for historic structures shall be as follows:

1. Application shall be made on forms provided by the Planning Director. The applicant shall provide a site plan and a map showing available public and private parking within 300 feet of the site. The Planning Director or the Planning Commission may require the provision of other drawings or material essential to the understanding of the variance request.
2. The Planning Director or Planning Commission shall base their decision on the factors listed in Section 17.60.150(C) below and shall either approve, approve with conditions, or deny the application.
3. A decision by the Planning Director may be appealed to the Planning Commission.
4. A public hearing pursuant to the procedures as set forth in Sections 17.72.120 and 17.72.130 of this ordinance shall be held for parking variance requests which are required to be processed before the Commission.

FINDING: All materials required were received from the applicant and the application was deemed complete on January 10, 2022.

- C. In entertaining a request for a parking variance for an historic structure, the Planning Director or Planning Commission shall consider the following factors:
1. Is the variance requested the minimum variance which would allow the use while preserving the structure?

FINDING: The lot size is 10,000 square feet with the building footprint utilizing 5,200 square feet. The remainder is used for the existing parking and minimal landscaping. In order for this site to provide additional off-street parking, portions of this building would have to be demolished. The requested variance is the minimum needed in order to keep the building as-is.

2. What is the expected traffic generation of the proposed use? Is it less than the required parking would indicate?

FINDING: The taphouse is an existing business that is relocating from the building at 3rd and Ford Street to the subject property. During the busiest time, which is typically from 5:00-8:00pm on Saturday, there will be approximately 35 groups seated with each group staying about 1.5 hours. How guests arrive to the taphouse is variable, but if a high figure of 1.5 vehicles per group is assumed, then approximately 26 public spaces are used during the busiest day and time.

The current location has no off-street parking. All guests must park either on the street or at one of the public parking lots of which there is a total of approximately 140 spaces within 300 feet. The Downtown McMinnville Strategic Parking Management Plan that was completed in 2018 determined that there is abundant on-street parking available throughout the downtown area with on-street parking space occupancies averaging about 45-50 percent, moderate by industry standards.

There are 412 on-street or public parking spaces available near the subject property. With a significant amount of public parking available that is only moderately used, the proposed 13 off-street spaces that will be provided is more than adequate for the proposed use.

In addition, people often park in one location and walk to several shops or restaurants in the downtown core area. Therefore, it is difficult to attribute a vehicle parked in a particular space to a specific business.

3. What is the peak time use of the proposed use? How does that compare with other uses in the neighborhood?

FINDING: The peak use for a taphouse and restaurant is from about 5:30-7:30pm during the weekdays. On weekends, there are typically two peaks; one from noon-2:00pm and another from 5:00-8:00pm.

The primary use on this block is office and municipal in nature. Standard office hours of operation are 8:00am-5:00pm, Monday-Friday and closed on the weekends, opposite of a restaurant's peak times.

4. What is the general character of the surrounding neighborhood? Is it commercial, residential, or mixed use in nature?

FINDING: The general character of the neighborhood two blocks east, west and north is office and municipal in nature. To the south, which includes 3rd Street, the uses are mixed, with retail, hotel, and restaurants. The addition of a restaurant on this block would help expand the downtown mixed uses.

5. To what degree would the granting of the variance cause an adverse impact on the neighborhood? Could the adverse impacts be negated through conditioning the variance?

FINDING: The granting of the variance would have no foreseen impact on the neighborhood. The peak usage for the taphouse business is opposite the surrounding neighborhood. This leaves a majority of on-street and public parking spaces available for the office uses during the day.

It should be noted that on the other side of 4th Street from the subject property, there are no off-street parking requirements.

6. How many public parking spaces, including street parking spaces, are available in the vicinity of the site?

FINDING: There are 190 on-street parking spaces and 212 spaces in the public parking lot within 300 feet of the building. Two additional public parking lots are located directly south on 2nd Street, about 500 feet from the property.

7. Does the value of saving the specific historic structure outweigh the negative impacts which would result in the neighborhood? Could the structure in fact be lost if the variance were not granted?

FINDING: The building would be limited to uses with a lesser parking requirement like office or service uses. It cannot be stated with certainty if the structure would be lost if a parking variance was not granted.

- D. The Planning Director or Planning Commission may impose conditions on the parking variance which could:
 1. Preserve the site or structure or preserve the character of the area;
 2. Ensure that alterations to the structure are compatible with the historic or architectural character of the structure or neighborhood;
 3. Preserve the existing landscaping;
 4. Limit the hours of operation of the use or occupancy;
 5. Minimize adverse impacts on neighboring property owners.

FINDING: Any additional conditions will be discussed or added at the public hearing.

McMinnville's Comprehensive Plan:

The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

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

Attachments:

Attachment 1 – Application and Attachments

GOAL III 3: INCREASE PUBLIC AWARENESS AND UNDERSTANDING OF McMINNVILLE'S HISTORY AND ITS HISTORIC PRESERVATION PROGRAM

17.04 *Increase interpretation efforts of the city's historic resources.*

GOAL III 4: ENCOURAGE THE PRESERVATION AND REHABILITATION OF HISTORIC RESOURCES

Policy 17.07 *Strengthen the integration of historic preservation in city planning to capitalize on neighborhood history and character as city assets.*

FINDING: The proposed use and variance will encourage the preservation of this historic resources. It will also strengthen the integration of historic preservation and public awareness of this historical structure, the proposed use will allow patrons access and experience to this historic site.

GOAL IV 1: TO ENCOURAGE THE CONTINUED GROWTH AND DIVERSIFICATION OF McMINNVILLE'S ECONOMY IN ORDER TO ENHANCE THE GENERAL WELL-BEING OF THE COMMUNITY AND PROVIDE EMPLOYMENT OPPORTUNITIES FOR ITS CITIZENS.

GOAL IV 2: TO ENCOURAGE THE CONTINUED GROWTH OF McMINNVILLE AS THE COMMERCIAL CENTER OF YAMHILL COUNTY IN ORDER TO PROVIDE EMPLOYMENT OPPORTUNITIES, GOODS, AND SERVICES FOR THE CITY AND COUNTY RESIDENTS.

Policy 21.03 *The City shall support existing businesses and industries and the establishment of locally owned, managed, or controlled small businesses. (Ord.4796, October 14, 2003)*

Policy 22.00 *The maximum and most efficient use of existing commercially designated lands will be encouraged as will the revitalization and reuse of existing commercial properties.*

Policy 23.00 *Areas which could in the future serve as commercial sites shall be protected from encroachment by incompatible uses.*

Policy 24.00 *The cluster development of commercial uses shall be encouraged rather than auto-oriented strip development. (Ord.4796, October 14, 2003)*

FINDING: The variance action would help support local businesses and strengthen compatible uses in the C-3 zone. The general character of the neighborhood two blocks east, west and north is office and municipal in nature. To the south, which includes 3rd Street, the uses are mixed, with retail, hotel, and restaurants. The addition of a restaurant on this block would help expand the downtown mixed uses.

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;*

Attachments:

Attachment 1 – Application and Attachments

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.
(Ord.4796, October 14, 2003)*

FINDING: The location for the proposed restaurant use continues to promote commercial activities around the core including safe and convenient auto-pedestrian traffic circulation.

Parking

Policy 126.00 The City of McMinnville shall continue to require adequate off-street parking and loading facilities for future developments and land use changes.

Policy 127.00 The City of McMinnville shall encourage the provision of off-street parking where possible, to better utilize existing and future roadways and right-of-ways as transportation routes.

FINDING: The property has thirteen off-street parking spaces, which is adequate to service the intended use. There is a public parking lot with 212 spaces, within one block of the site.

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.

FINDING: Goal X 1 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed Staff Report and Decision Document prior to the McMinnville Planning Commission review of the request and recommendation at an advertised public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.