



City of McMinnville
Planning Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311

www.mcminnvilleoregon.gov

EXHIBIT 2 - STAFF REPORT

DATE: July 20, 2017
TO: Planning Commissioners
FROM: Chuck Darnell, Associate Planner
SUBJECT: CU 3-17 – 3121 NE Cumulus Avenue

Report in Brief:

This is a public hearing to consider an application for a conditional use permit to allow for the expansion of the existing Parkland Village Assisted Living facility. The expansion would allow for the addition of 24 units to the overall facility, resulting in a total of 74 units and 92 residential beds between the existing and proposed new buildings. The property is located at 3121 NE Cumulus Avenue, and is more specifically described as Tax Lot 100, Section 22DD, T. 4 S., R. 4 W., W.M.

Background:

The Planning Commission recently reviewed a conditional use permit request for the Parkland Village Assisted Living facility. That conditional use permit request (CU 2-17) was for a smaller expansion than what is now being proposed. That smaller expansion, which was an increase of 18 units, was approved by the Planning Commission at the April 20, 2017 regular meeting. Since that time, the applicant and the assisted living facility have explored the option to construct a larger expansion. This requires a new conditional use permit request because the site plan changed and the code requirements are slightly different for the proposed larger facility. The current conditional use permit request (CU 3-17) for the larger building expansion is an entirely separate request from the previous conditional use permit request, and has been reviewed as such.

The subject site is the current location of the Parkland Village Assisted Living facility. The site is bounded on the south by NE Cumulus Avenue and on the north by the South Yamhill River. The existing Kingwood subdivision and soon to be constructed Whispering Meadows subdivisions are located to the west of the subject site, and another senior living facility, Fircrest Senior Living, is located to the east of the subject site.

The subject site is zoned R-4 PD (Multiple-Family Residential Planned Development) and is designated on the comprehensive plan map as Residential. A small portion on the north end of the site is located within the floodplain, and that portion of the site is zoned F-P (Floodplain).

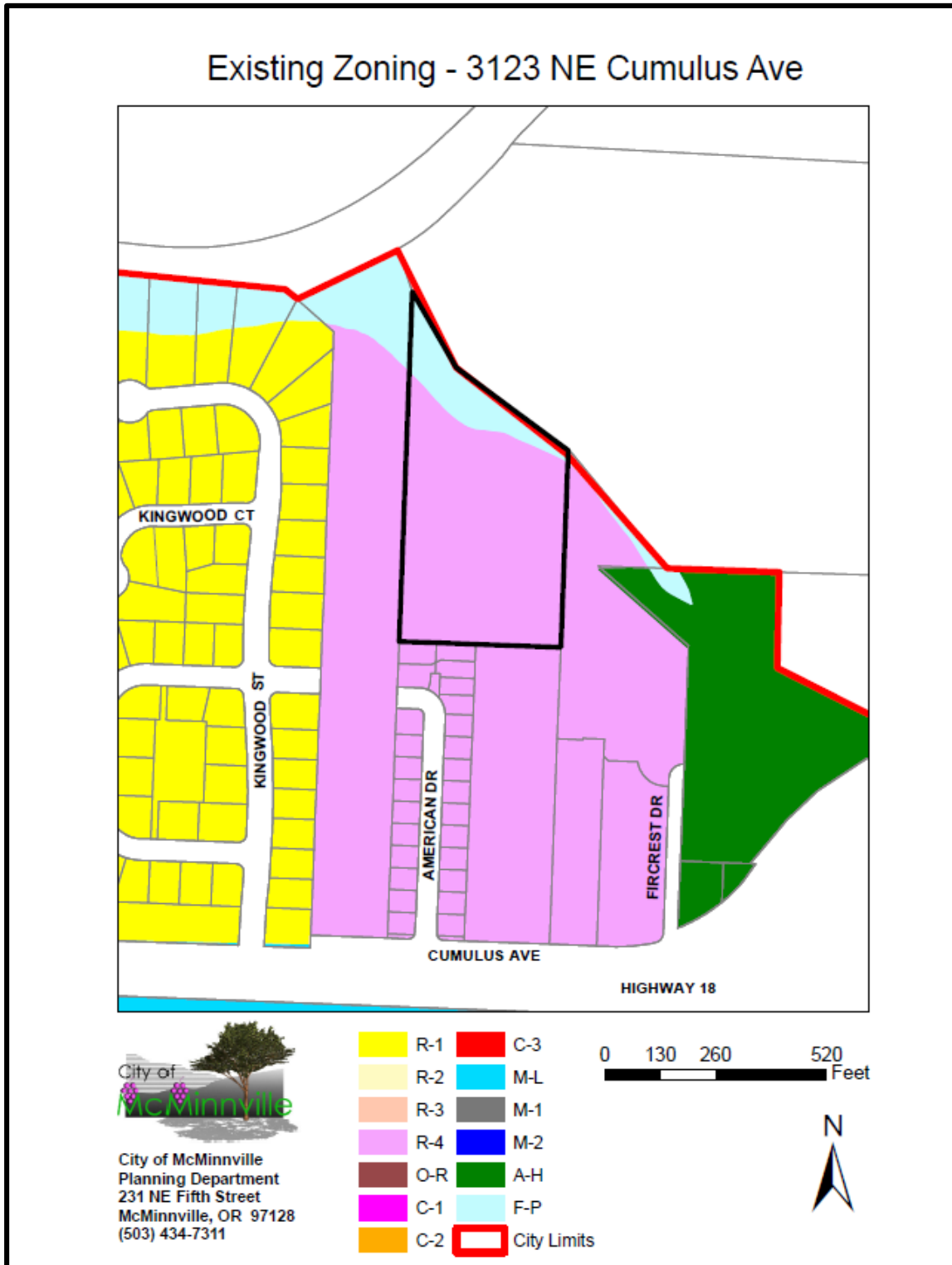
The existing Planned Development overlay that applies to the property (Ordinance 4581) was adopted in 1995 and resulted in a rezoning of the property to R-4 PD to allow for the existing assisted living facility to operate on the site.

Properties immediately adjacent to the subject site to the west and east are also zoned R-4 (Multiple-Family Residential). Properties further west in the Kingwood subdivision are zoned R-1 (Single Family Residential), and properties further east are zoned AH (Agricultural Holding). The subject site is on the edge of the city limits, so property to the north is outside of the McMinnville urban growth boundary. A visual of the subject site and reference maps showing the zoning designations of the subject site and the surrounding properties are provided below:

Site Reference Map



Existing Zoning



Discussion:

The applicant is proposing to expand the existing assisted living facility located on the subject site, adding 23,134 square feet to the existing 36,746 square foot facility. The expansion will occur on the north side of the existing building, adding 24 units to the facility which will result in a total of 74 residential units within the overall facility. The existing facility consists of 50 total units, all of which are studio or one (1) bedroom residential units. The expansion will consist of 24 units, but will provide 42 beds for residents in need of memory care. There will be a total of 92 residential beds in the expanded facility. The subject site is part of a larger senior living community, which is commonly known as Parkland Village Retirement Community and consists of the assisted living facility on the subject site and independent living accommodations to the south between the assisted living facility and NE Cumulus Avenue.

The subject site does contain some areas that are within the floodplain as identified on the Flood Insurance Rate Maps (FIRM) panels created by the Federal Emergency Management Agency (FEMA). The proposed expansion will not occur in the area of the site within the floodplain, which will be discussed in greater detail below.

The Planning Commission's responsibility regarding this type of land use request is to conduct a public hearing and, at its conclusion, render a decision to approve, approve with conditions, or deny the conditional use request.

Evaluation of Review Criteria:

The potential impacts of a proposed conditional use on the abutting properties and surrounding neighborhood should be minimized through the design, location, and operating characteristics of the proposed development. In order to ensure that the proposed use and development is appropriate and has minimal impacts on the surrounding neighborhood, the Planning Commission must find that the following criteria are being met:

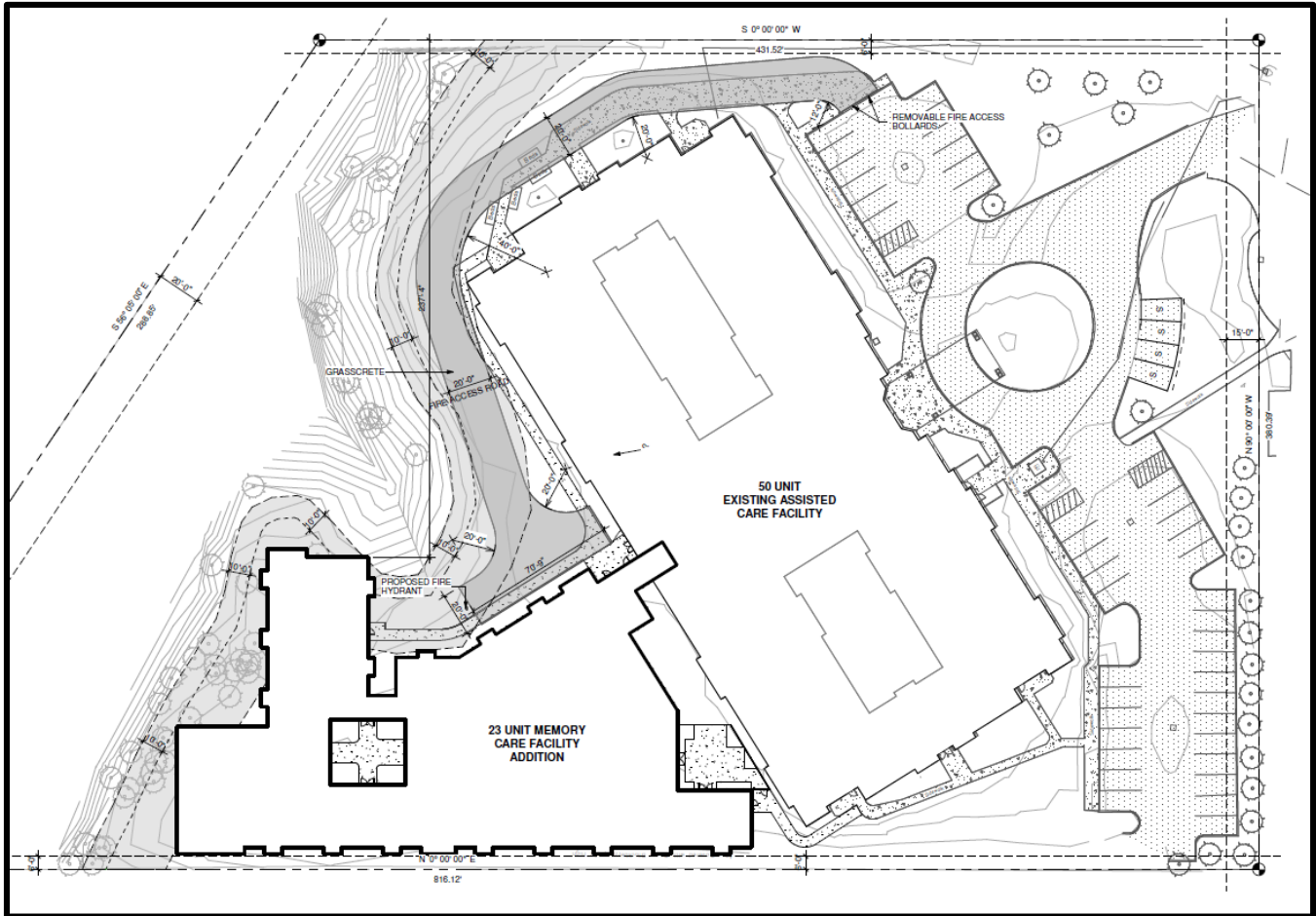
- A. The proposal will be consistent with the Comprehensive Plan and the objectives of the zoning ordinance and other applicable policies of the City;

Comprehensive Plan Policies: A number of Comprehensive Plan goals and policies relate to the proposed development. In particular, Comprehensive Plan Chapter II (Natural Resources) and Chapter V (Housing and Residential Development) include goals and policies applicable to this request. Some of the more applicable goals, which are identified and explained in greater detail in the Findings of Fact in the attached Decision Document, state that the City of McMinnville shall preserve the quality of water and land resources within the city, and that the City shall promote the development of affordable, quality housing for all city residents.

Zoning District Requirements: The property in question is zoned R-4 PD (Multiple-Family Residential Planned Development). The proposed use, an assisted living facility, would be defined as a convalescent home in the McMinnville Zoning Ordinance, and is therefore allowed as a conditional use in the R-4 zone (Section 17.21.020).

The new portion of the building will meet all required setbacks. The new building will be well outside the front, rear, and east side yard setback areas, but it will be close to the west property line and will just meet the minimum side yard setback of six (6) feet. The building will be constructed at the same height as the existing assisted living facility, which will be under 35 feet in height. Based on that building height, there are no increased yard areas required.

The proposed site plan can be seen below (note that the expansion on the site plan below is labeled as 23 units, but the applicant has verified that the expansion is indeed 24 units and the label on the site plan was incorrect):



Parking and Off-Street Loading Requirements: Parking on the site will be located south of the existing building, and will not be expanded as part of the expansion project. Parking requirements for this type of facility are based on the parking requirements for convalescent homes. Section 17.60.060(B)(4) (Spaces-Number required) requires that one parking space be provided for every two beds for patients or residents. Based on the size of the facility and the 92 residential beds, the minimum number of parking spaces required is 46 spaces. The existing parking areas provide 45 total parking spaces, and the applicant is proposing to add 4 additional standard parking spaces for a total of 49 parking spaces, which exceeds the minimum parking requirement for the site.

All other design and access requirements of the McMinnville Zoning Ordinance are being met with the existing and proposed parking areas (Section 17.60.080(A–C) (Design requirements)). The parking spaces are sized appropriately, the drive aisles are of sufficient width to provide adequate space for maneuvering, and handicapped parking is being provided at a rate consistent with building code requirements.

- B. That the location, size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of

public facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development;

Harmony in Scale, Bulk, Coverage, and Density: The subject site is uniquely situated near a floodplain area which contains a significant amount of existing natural vegetation and mature trees. The buildable area of the site, where the expansion is being proposed, is located outside of the floodplain and the existing natural areas. The expansion area is mostly within an existing cleared space on the site, and the applicant has stated that their intention is to preserve as much of the natural areas as possible. The placement of the expansion in this existing cleared area of the site results in appropriate site coverage.

The operating characteristics of the proposed expansion will be consistent with the existing Parkland Village assisted living facility. As a residential care facility, the intensity of the use is very low. The expansion will provide memory care units, which will house a population that does not drive and therefore will not cause an increase in traffic on the site. Therefore, the operations of the expanded assisted living facility will not negatively impact the surrounding neighborhood.

The new portion of the building will be constructed to match the existing assisted living facility in design and in exterior building materials. The applicant's intent is to have the expansion blend in harmoniously with the existing facility, and have carried over similar design elements such as interior courtyards for the residents. The new building will be constructed to be six (6) feet from the west property line, which meets the minimum yard setbacks, but will be constructed close to the single family homes in the future Whispering Meadows subdivision. The proposed building expansion will not be overpowering in terms of scale and bulk, as it will be a single story building and will not impose on abutting properties any more than other types of permitted residential development would. However, certain site designs could reduce the potential impacts on abutting property owners. Therefore, staff is suggesting a condition of approval that a continuous row of evergreen shrubs or trees be installed along the west property line. This will provide for screening between the assisted living facility and the adjacent single family homes, and will be consistent with screening that is used on the south side of the site between the subject site and the Craftsman Landing subdivision. That existing row of evergreen trees, and how it has effectively provided screening between the uses, can be seen below. The image below is looking north from NE American Drive toward the existing assisted living facility, which is located just on the other side of the row of evergreen trees.



Based on the descriptions above, the proposed location and size of the facility, and the additional landscaping that would be included as a suggested condition of approval, staff believes that the expansion will be compatible with the surrounding neighborhood and will not impact the livability or appropriate development of abutting properties.

Availability of Public Facilities and Utilities: Adequate public facilities serve the existing site, including water, sewer, and streets. The Engineering Department has reviewed the plans and has no concerns with the ability for public facilities to serve the site.

Traffic, Circulation, and Parking: The applicant's narrative and submitted materials refer to the fact that the site accesses American Drive. However, the site is actually accessed by a private drive through the independent living facility site to the south, which is part of the overall Parkland Village Retirement Community. American Drive is a public street that is located in the Craftsman Landing subdivision west of the existing access drive to the subject site.

The Engineering Department reviewed the plans, and does not have any concerns with traffic from the expansion of the existing use. Based on the Institute of Transportation Engineers Trip Generation Manual (9th Edition), the addition of 42 beds on the site will result in the generation of 5.04 net new PM peak vehicle trips on the transportation network. Based on that minimal increase, the Engineering Department has found that the proposed development should not impact the capacity of the existing adjacent street network, which includes NE Cumulus Avenue and Highway 18.

- C. That the development will cause no significant adverse impact on the livability, value, or appropriate development of abutting properties of the surrounding area when compared to the impact of permitted development that is not classified as conditional;

The type of development proposed is consistent with the development pattern of the surrounding area. Other senior living facilities exist to the east of the subject site, and single family residential homes of a higher density exist to the west and south of the subject site. The proposed expansion will be a single story building, and will not impose on or cause any adverse impact on the development of abutting properties any more than other types of development that would be permitted outright in the R-4 (Multiple-Family Residential) zone. Given the existing development pattern and the existence of other similar uses in the surrounding area, the proposed use will not cause any significant adverse impact on the livability of the surrounding area.

- D. The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants;

The site and the proposed building have been designed in such a way as to blend in with the surrounding area. The applicant has stated that the development will have as little impact as possible on the natural areas on the site, and the building will be designed to match the existing assisted living facility. The applicant has also stated that it is their intent, for the benefit of the residents in need of memory care, that the facility be designed to evoke a sense of feeling at home. To evoke that sense of home, the facility will be designed to emulate a residential setting as much as possible, which will cause the facility to blend into the development pattern of the surrounding neighborhood.

To ensure that the expansion is consistent with the existing facility, staff is suggesting a condition of approval that will require that the expansion match the existing facility in terms of building design, architectural features, and exterior building materials. Staff will ensure that building elevations are provided and reviewed for consistency with the existing facility during the review of the building permit plans.

E. The proposal will preserve environmental assets of particular interest to the community;

The subject site is located in a unique area with environmental assets that are of interest to the community. An identified creek runs along the northern portion of the site, which runs north and intersects with the South Yamhill River. The northern portion of the site is also located within a floodplain as identified on the Flood Insurance Rate Maps (FIRM) panels created by the Federal Emergency Management Agency (FEMA). That portion of the site is zoned F-P (Floodplain), and the McMinnville Zoning Ordinance generally does not allow the construction of permanent structures within the floodplain. The proposed expansion is located completely out of the floodplain.

A steep slope exists on the northern portion of the site and along the creek, which is outside of the floodplain but is still not ideal for development. The applicant has provided a geotechnical report that includes an analysis of the steep slope and its ability to support structures. The original recommendation from that geotechnical report is to maintain a 35 foot setback from the top of the slope, as the slope will be vulnerable during seismic events. In order to provide a larger building footprint, the applicant investigated what construction techniques would be required to support a structure in the areas previously identified as setback areas from the top of the slope. These findings and recommendations are included in an addendum to the geotechnical report.

The recommendations in the addendum to the geotechnical report relate to construction techniques to ensure that development near the steep slope is structurally sound, such as the inclusion of stronger foundations and certain soil types that should be used for fill. Specifically, the addendum provides recommendations on pile depths that would be required to support development and still maintain slope stability. The McMinnville Building Official has reviewed the geotechnical report and the addendum to the report, and is comfortable with the development if the recommendations from both reports are followed. Staff is suggesting a condition of approval be included that requires that the building be constructed to meet any recommendations from the geotechnical report that the McMinnville Building Official deems necessary.

The subject site also contains a significant amount of natural vegetation and mature trees. Many of those trees exist on the sloped areas and around the creek. Therefore, many of the trees will be preserved and the applicant has stated that it is their intent to maintain as much of the natural areas as possible. The applicant has provided a tree inventory and an analysis of the trees that would be impacted by the proposed expansion. The tree inventory shows that 19 trees would need to be removed to allow for the expansion and the associated construction and grading operations. Those trees, including their species and existing diameter, are provided below:

Tree Species	Tree Diameter (inches)	Tree Species	Tree Diameter (inches)
Fir	18"	Fir	30"
Fir	54"	Fir	18"
Fir	12"	Fir	36"
Maple	36"	Fir	18"
Fir	24"	Fir	36"
Maple	16"	Fir	36"
Fir	18"	Fir	24"
Fir	18"	Cedar	24"
Fir	18"	Cedar	24"
Maple	4-16"		

Some of the trees will be near the construction impact area. Therefore, staff is suggesting that a condition of approval be included to require that the existing trees be protected during construction.

- F. The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property values for speculative purposes.

The applicant intends to construct the facility as proposed, and has the intent and capability to develop and use the land as proposed. The applicant owns and operates almost 25 residential facilities across the western United States, so they have experience in the operation of assisted living facilities such as the memory care facility that is proposed.

The McMinnville Fire Marshal originally had concerns with the proposed building expansion, as there was no way to provide emergency access to the north side of the new building for firefighting and rescue operations. The applicant revised the site plan, and provided a fire access route from the existing parking lot and around the east and north sides of the existing building. This route would provide emergency access for a fire apparatus, and would allow the Fire Department to get within allowable distances to reach all portions of the building expansion. The fire access route also requires a turn-around area for the fire apparatus, which is proposed to be included in the design.

The required fire access route will be located over the existing pedestrian walkways on the east side of the existing building, and over some of the previously proposed pedestrian walkways on the north side of the existing building to provide access to the expansion. The applicant is proposing to design the fire access route to function as a pedestrian walkway when it is not being used for emergency access. Removable bollards can be installed on the south end of the fire access route and pedestrian walkway, which can be removed during emergency access but will enhance the pedestrian nature of the walkway at other times and not allow for vehicular traffic. A condition of approval is being recommended by staff to ensure that the fire access route is designed to operate as a pedestrian walkway when not used for emergency purposes.

Fiscal Impact:

None.

Commission Options:

- 1) Close the public hearing and **APPROVE** the application, per the decision document provided which includes the findings of fact.
- 2) **CONTINUE** the public hearing to a specific date and time.
- 3) Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.
- 4) Close the public hearing and **DENY** the application, providing findings of fact for the denial in the motion to deny.

Recommendation/Suggested Motion:

The Planning Department recommends approval of CU 3-17, subject to the following conditions:

1. That prior to the release of building permits, the applicant shall provide detailed building elevations for the proposed expansion. The new building shall be consistent with the existing assisted living facility in terms of building design, architectural detail, and exterior building material.

2. That the new building be constructed to satisfy all recommendations from the geotechnical report, as may be required by the City of McMinnville Building Official.
3. That the applicant provide a continuous row of evergreen shrubs or trees along the western property line adjacent to the new building to provide screening between the new building and the abutting properties.
4. That the applicant shall provide protection for existing trees during the construction of the new building. Protection shall be provided within the drip line of any tree in close proximity to the construction site.
5. That prior to the release of building permits for the proposed development, the applicant shall submit for review and approval by the McMinnville Landscape Review Committee, a plan proposing landscaping for the areas affected by the proposed expansion. All landscaping, as approved by the Landscape Review Committee, shall be installed prior to occupancy of the newly constructed expansion. Alternatively, a landscape bond for 120-percent of the landscaping cost of the uninstalled portion shall be placed on deposit with the City prior to occupancy.
6. That the applicant shall design the proposed fire access route to appear and operate as a pedestrian walkway when not being used for emergency access purposes. Removable bollards, as approved by the McMinnville Fire Department, shall be installed at the intersection of the fire access route and the existing parking lot.
7. That this conditional use permit approval shall be terminated if the proposed improvements do not commence within one year of the effective date of this approval, or if the use once commenced lapses for any single period of time that exceeds one year in duration.

The Planning Department recommends that the Commission make the following motion approving of CU 3-17:

THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION APPROVES CU 3-17 SUBJECT TO THE STAFF RECOMMENDED CONDITIONS OF APPROVAL.

CD:sjs