



**City of McMinnville**  
**Planning Department**  
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## STAFF REPORT

**DATE:** September 12, 2017  
**TO:** Mayor and City Councilors  
**FROM:** Chuck Darnell, Associate Planner  
**SUBJECT:** **Ordinance No. 5036 - ZC 9-17 / ZC 10-17** – Zone Change and  
Planned Development Amendment, 1730 SW 2<sup>nd</sup> Street

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### **Council Goal:**

Promote Sustainable Growth and Development

### **Report in Brief:**

This action is the consideration of a zone change from R-1 (Single Family Residential) to R-4 (Multiple-Family Residential) on a parcel approximately 0.22 acres, and an amendment to an existing planned development (R-4 PD) of approximately 0.89 acres, that would increase the allowed density, provide variances for setbacks, allow for multiple duplexes as a multi-family project, and increase the size by adding the 0.22 acre parcel that has been rezoned to R-4 for a new multiple-family residential planned development of approximately 1.11 acres. The two parcels are located immediately adjacent to each other, with the smaller parcel adjacent to 2<sup>nd</sup> Street and the larger parcel to the south extending down to SW Apperson Street. The rezoning and planned development amendment would result in the ability to develop 21 (twenty-one) multiple-family residential dwelling units on the two parcels. The subject sites are located at 1730 SW 2<sup>nd</sup> Street, and more specifically described as Tax Lots 101 and 100, Section 20CB, T. 4 S., R. 4 W., W.M., respectively.

### **Background:**

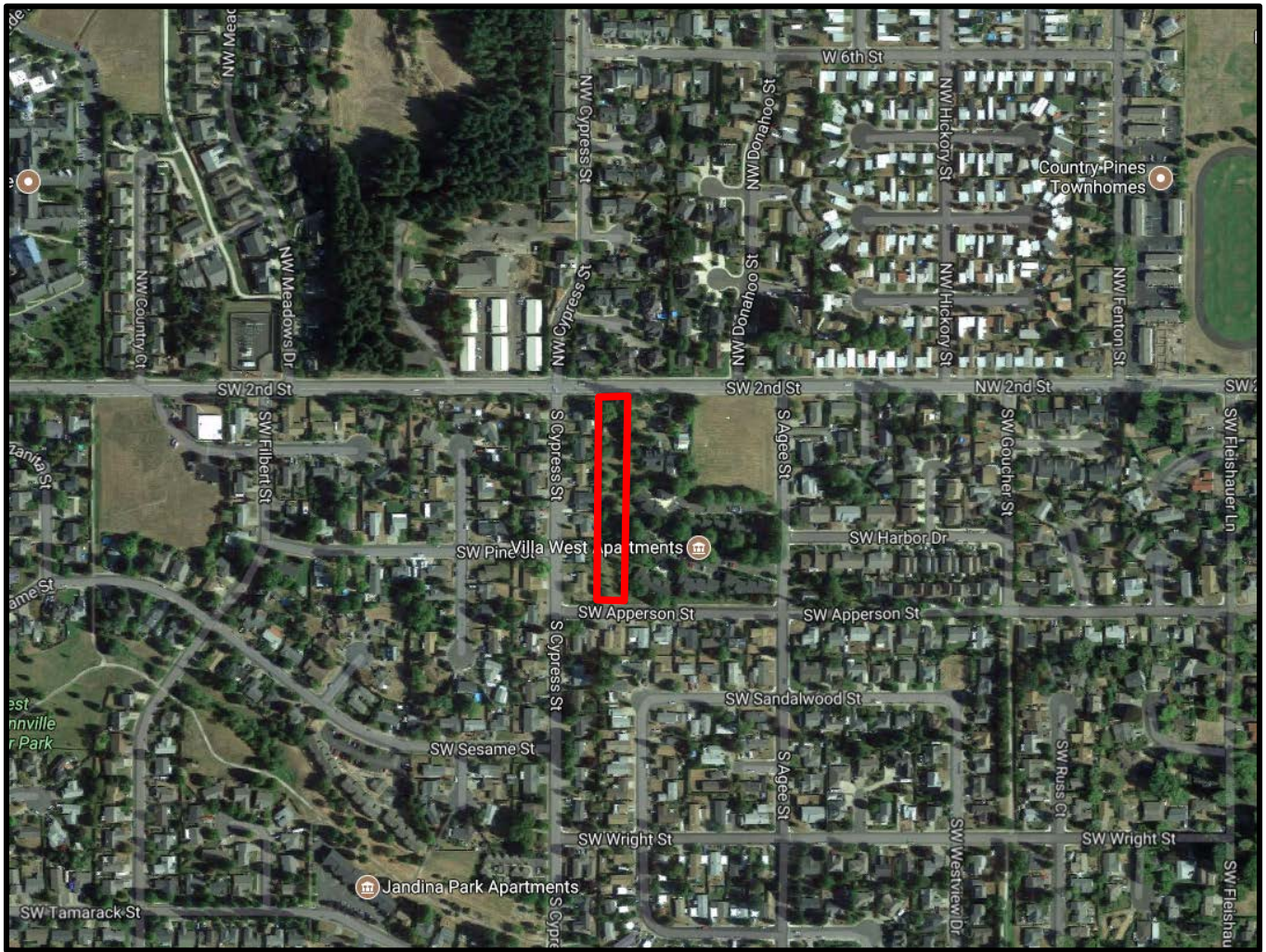
The subject sites are currently largely undeveloped. There is an existing single family home on the northern parcel and the southern parcel is vacant. The site is bounded on the north by SW 2<sup>nd</sup> Street and on the south by SW Apperson Street. Existing single family homes in the Jandina subdivision are located to the west of the subject site. Immediately to the east of the subject site are a few single family homes and a larger apartment complex, the Villa West Apartments. The subject sites are identified below:

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#### *Attachments:*

*Ordinance No. 5036 including:*  
*Exhibit A – ZC 9-17/ZC 10-17 Decision Document*  
*Public Testimony Received*

Site Reference Map



The northern parcel is currently zoned R-1 (Single Family Residential) and is designated on the comprehensive plan map as Residential. The southern parcel is currently zoned R-4 PD (Multiple Family Residential Planned Development) and is also designated on the comprehensive plan map as Residential.

The existing Planned Development overlay that applies to the southern parcel (Ordinance 4097) was adopted in 1980 and resulted in a rezoning of the property to R-4 PD to allow for the development of up to five (5) dwelling units. The approval of the planned development included conditions of approval as follows:

- 1) That the density allowed for development of this property be limited to five units.
- 2) That sewer and water facilities be extended to the property prior to the issuance of building permits
- 3) That “A” Street be improved to City standards prior to the issuance of building permits.
- 4) That a ten-foot easement for utilities be granted to the City along the subject site’s “A” Street frontage.

The applicant is proposing to repeal the outdated existing planned development ordinance and replace it with a new planned development ordinance that more accurately reflects their proposed development plan. The original conditions of approval from the 1980 planned development have either already been completed or will be required as part of the applicant's development. The required improvements to "A" Street, which is now SW Apperson Street, have already occurred. Sewer and water facilities and any necessary easements will be required by McMinnville Water and Light and the Engineering Department through the building permit process should the zone change and planned development requests be approved.

The original condition of approval related to density and the limit to 5 (five) dwelling units was based on a sewer system analysis completed in 1979, which had determined that downstream capacity issues existed in the sanitary sewer system serving this property and this area of the city. One of the recommendations of the 1979 sewer system analysis was to limit density in the western side of McMinnville to 6 (six) dwelling units per acre. This resulted in the southern parcel being limited to 5 (five) dwelling units based on its 0.89 acres size. Since the adoption of the existing planned development in 1980, improvements to the sanitary sewer system have occurred and will be discussed in more detail below during the evaluation of the review criteria.

Properties immediately adjacent to the subject site to the west in the Jandina subdivision are zoned R-2 PD (Single Family Residential Planned Development). Other properties immediately adjacent to the subject site are zoned R-2 (Single Family Residential) and R-4 PD (Multiple Family Residential Planned Development). The R-4 PD property to the east is the location of the Villa West Apartments and was allowed to be developed at a density of up to 15 dwelling units per acre as part of a planned development that was adopted in 1978. The zoning of other properties in the general vicinity of the subject site is varied, with some R-2 (Single Family Residential) and R-3 (Two Family Residential) zoned property, as well as some other R-4 (Multiple Family Residential) zoned properties in both directions along SW 2<sup>nd</sup> Street.

Reference maps showing the existing and proposed zoning designations of the subject site and the surrounding properties are provided below:

There are two concurrent requests being made by the applicant. The zone change request applies to the northern parcel, and the planned development amendment request applies to both the southern and northern parcels. The two requests have different review criteria, and have been reviewed against those criteria separately. However, the overall planned development as proposed would expand to cover both parcels and the entire development site, so the entire site was considered when reviewing the proposed development plan against the planned development review criteria.

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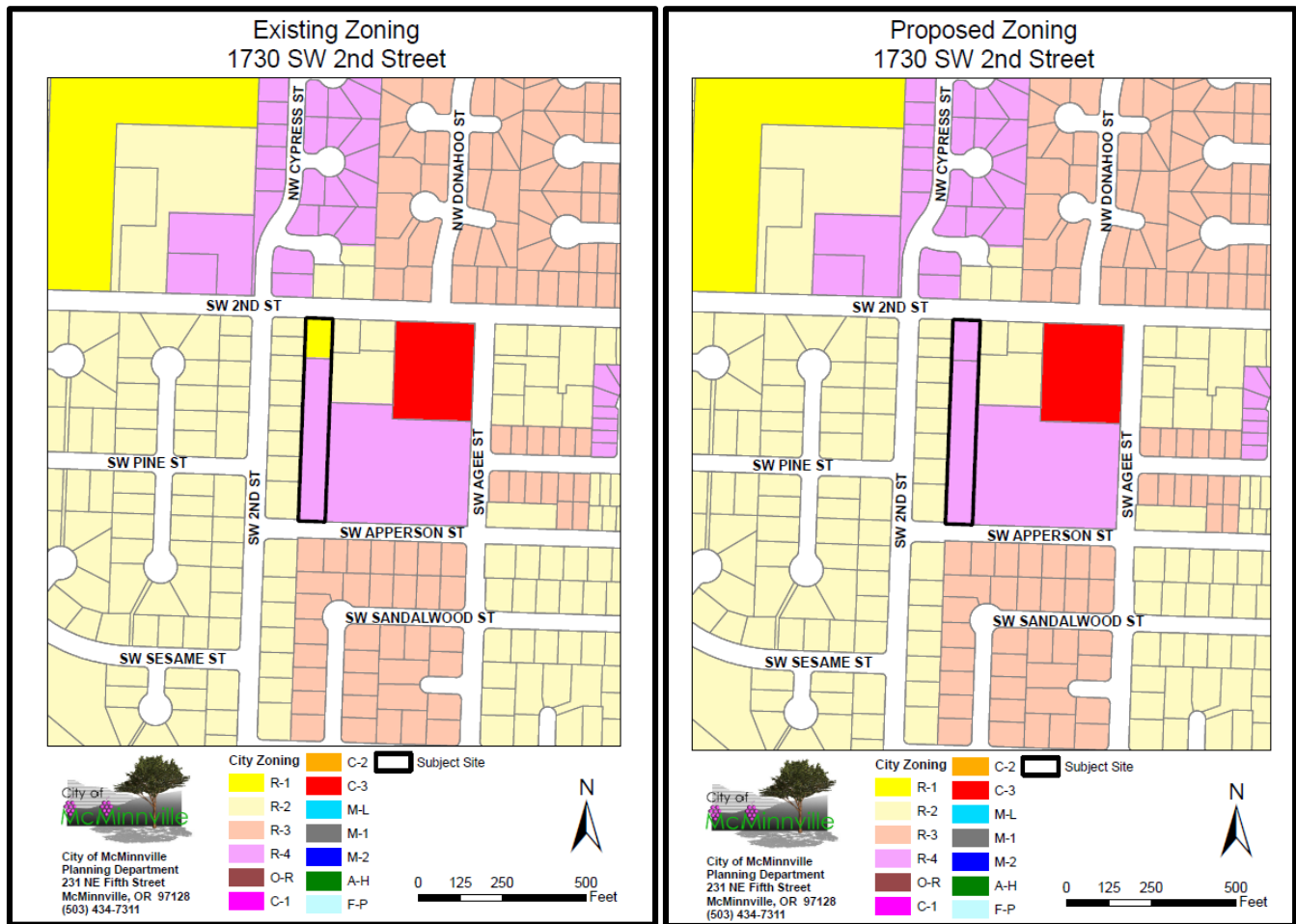
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*Exhibit A – ZC 9-17/ZC 10-17 Decision Document*

*Public Testimony Received*





**Northern Parcel Zone Change**

The request that is applicable to the northern parcel is to rezone the parcel from R-1 (Single-Family Residential) to R-4 (Multiple-Family Residential). An amendment of the zoning map may be authorized provided that the proposal satisfies all applicable zoning requirements and provided that the applicant demonstrates the following:

**Section 17.74.020**

A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan.

There are numerous Comprehensive Plan Goals and Policies that are applicable to this request. The narrative provided by the applicant identifies those goals and policies in detail, and they have also been identified in the attached decision document.

The more notable Comprehensive Plan policies being satisfied by the rezoning are found in Chapter V (Housing and Residential Development). Goals from Chapter V of the Comprehensive Plan promote the development of affordable, quality housing for all city residents, and also promote a land-intensive development pattern. Policies adopted to support and achieve those goals include providing opportunities to develop a variety of housing types and densities, and an encouragement of a compact form of urban development close to the city center and in areas where urban services are readily available. Specifically, there is a policy that provides guidance in the designation of high density residential zones. Policy 71.13 states that the following factors should serve as criteria in determining areas appropriate for high-density residential development:

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1. Areas which are not committed to low or medium density development;
2. Areas which can be buffered by topography, landscaping, collector or arterial streets, or intervening land uses from low density residential areas in order to maximize the privacy of established low density residential areas;
3. Areas which have direct access from a major collector or arterial street;
4. Areas which are not subject to development limitations;
5. Areas where the existing facilities have the capacity for additional development;
6. Areas within a one-half mile wide corridor centered on existing or planned public transit routes;
7. Areas within one-quarter mile from neighborhood and general commercial shopping centers; and
8. Areas adjacent to either private or public permanent open space.

The northern parcel is currently zoned for low density residential development. However, the applicant is arguing that the site better meets the locational criteria for high density residential development. The adjacent property that will be part of the overall development of the northern parcel is currently zoned for high density residential development. In addition, the surrounding residential neighborhoods are zoned for a variety of residential densities, with a variety of housing types in the immediate area. The northern parcel can be buffered by landscaping from adjacent lower density residential areas on the west and east sides of the site. A condition of approval is being suggested to require landscaping as buffering along the planned development's east and west property lines to maximize the privacy of established lower density residential areas adjacent to the site. The condition of approval will also require that a landscape plan be submitted for review, at which time the Landscape Review Committee would ensure that any proposed landscaping is achieving the required buffering effect.

In addition, because the request is to rezone a property with a lower residential density to a higher residential density that has adjacency to existing single family development, a condition of approval is being recommended to increase required setbacks if the maximum building height normally allowed in lower density residential zones is exceeded. Currently the R-4 (Multiple Family Residential) zone states that a side yard shall not be less than six (6) feet, except an exterior side yard shall not be less than 15 (fifteen) feet. And all yards shall be increased over the requirements of this section, one (1) foot for each two (2) feet of building height over 35 (thirty-five) feet (Section 17.21.040). Since the subject site is adjacent to existing single family residential development, it is recommended that the language for increasing the side yard setbacks relative to building height over 35 (thirty-five) feet be increased to one (1) foot for each one (1) foot of building height over 35 (thirty-five) feet. The applicant has stated in their narrative that they intend to construct duplex units with similar architecture and exterior design as the applicant's recently constructed multiple family complex across SW 2<sup>nd</sup> Street, west of Newby Elementary School. These units were not more than 35 feet in height, but because there are no specific architectural plans associated with the planned development request, this condition of approval would ensure that adequate spacing and buffering is provided.

The northern parcel has direct access from SW 2<sup>nd</sup> Street, which is an arterial street. The northern parcel is not subject to any development limitations, as the site is flat and does not contain any significant natural or topographic features or that would reduce the developable area of the site.

The applicant has provided a traffic analysis that concluded that the surrounding street network has the capacity to accommodate the increase in trips that would result from the applicant's request to rezone the northern parcel and develop 21 (twenty-one) dwelling units on the entire site, including the southern parcel. The traffic analysis showed that minimal increases in delays would occur at all of the surrounding intersections on SW 2<sup>nd</sup> Street, SW Agee Street, and SW Cypress Street. The minimal increases in delay did not have any impact on the overall level of service of any intersection within the study area. The Engineering Department has reviewed the traffic analysis, and does not have any concerns with the

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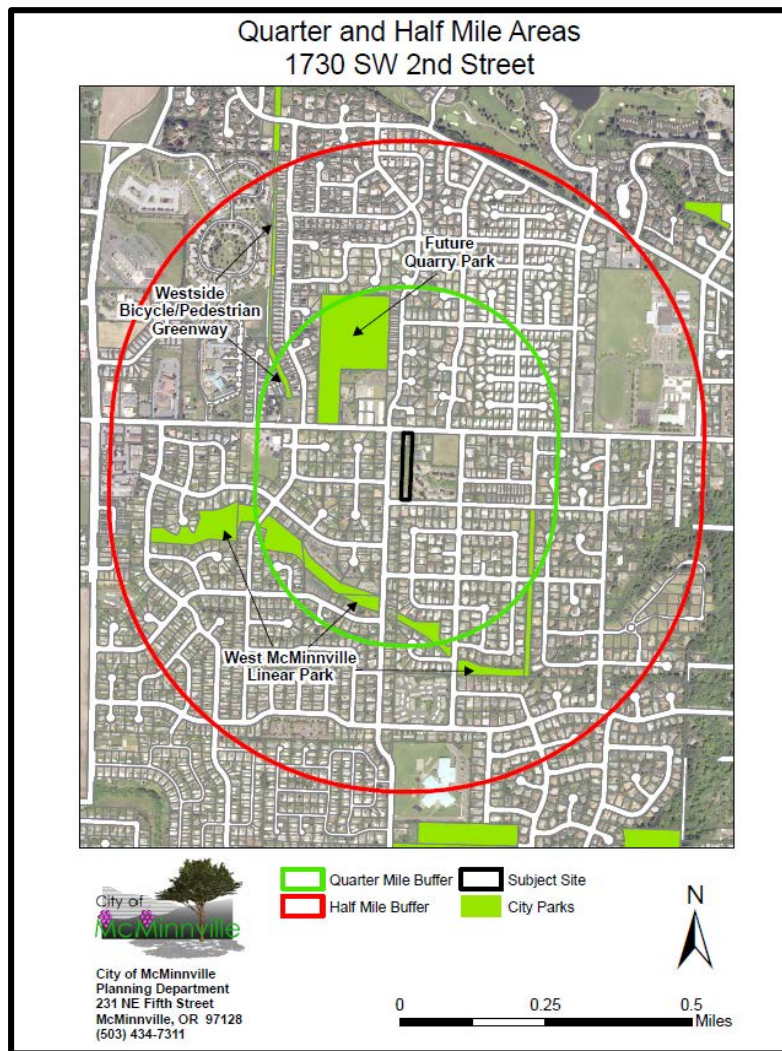
*Exhibit A – ZC 9-17/ZC 10-17 Decision Document*

*Public Testimony Received*

analysis or the findings. The Engineering Department has also verified that adequate sanitary and storm sewer facilities exist to serve the increased density of the site proposed by the applicant.

Public transit is available immediately adjacent to the property, as Yamhill County Transit Route 2 (McMinnville East-West Express) runs hourly along SW 2<sup>nd</sup> Street for most of the day. The northern parcel is within one-quarter mile of a future commercial area, as there is a vacant piece of land at the southwest corner of the intersection of SW 2<sup>nd</sup> Street and SW Agee Street that is zoned C-3 (General Commercial). The northern parcel is not immediately adjacent to any permanent public open space, but private open space will be provided within the site and will be discussed in more detail below in the review of the planned development. The site is located in close proximity to permanent public open space. A nearly 2,000 foot long segment of the West McMinnville Linear Park is located within a quarter mile of the subject site, and the southern end of the Westside Bicycle/Pedestrian Greenway is also located within a quarter mile of the subject site. Also within a quarter mile of the subject site is the future Quarry Park, which is proposed in the Parks, Recreation, and Open Space Master Plan to be a special use park. While there is no neighborhood park within a half mile of the property, there are multiple other existing or planned park and recreation facilities within a quarter mile of the site.

The amenities within a quarter mile and half mile of the subject site can be seen below:



## Section 17.74.020

- B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment.

The development pattern in the surrounding area is widely varying. Within a quarter mile of the subject site, there are nearly all forms of residential zones and housing types. The area to the west in the Jandina subdivision is primarily single-family residences, with some duplexes on corner lots along SW Cypress Street. Immediately adjacent to the subject site to the east is an existing higher density apartment complex. Slightly further east and across SW Agee Street, a number of duplex and townhome type residential dwelling units have been developed. Across SW 2<sup>nd</sup> Street and near the intersection of SW 2<sup>nd</sup> Street and SW Cypress Street, another R-4 (Multiple Family Residential) zoned property contains another apartment complex. The established development pattern for the larger surrounding area is clearly a mix of residential housing types.

The parcel immediately to the south of the northern parcel is vacant, but is zoned R-4 PD (Multiple Family Planned Development). Therefore, the rezoning of the northern parcel to R-4 would be consistent with the zoning of other properties immediately adjacent to the site, and also would be consistent with the overall development pattern of the area. The existing R-4 PD zoned property to the south is very deep and narrow, which makes development of that property difficult. The rezoning of the northern parcel to R-4 will allow for the property to be developed along with the vacant parcel to the south, which will be discussed in more detail below in the review of the planned development. The rezoning of the property to R-4 will allow for more efficient and orderly development of the vacant land in this area of the city.

The applicant is also arguing that the current zoning designation of R-1 (Single Family Residential) is not consistent with the City's locational policies for R-1 zoned land. Comprehensive Plan policies 71.06 and 71.07 state that low density residential development should be limited to areas adjacent to collector and local streets, areas with development limitations such as natural or topographic features, and areas where utilities cannot support more intense uses. The subject site does not meet many of these locational requirements. Together with the adjacent land uses and pattern of development in the surrounding area, the subject site better meets the locational policies for higher density residential development.

## Section 17.74.020

- C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.

*Utility and Service Provision:* This area is well served by existing sanitary and storm sewer systems as well as other public utilities. The Engineering Department has reviewed this proposal and has offered no concerns with providing adequate services to this site to support the residential development density proposed by the applicant as part of the planned development.

*Street System:* As discussed above, the applicant has provided a traffic analysis that concluded that the surrounding street network has the capacity to accommodate the increase in trips that would result from the applicants request to rezone the northern parcel and develop 21 dwelling units on the entire site, including the southern parcel. The traffic analysis showed that minimal increases in delays would occur at all of the surrounding intersections on SW 2<sup>nd</sup> Street, SW Agee Street, and SW Cypress Street. The minimal increases in delay did not have any impact on the overall level of service of any intersection within the study area. The Engineering Department has reviewed the traffic analysis, and does not have any concerns with the analysis or the findings.

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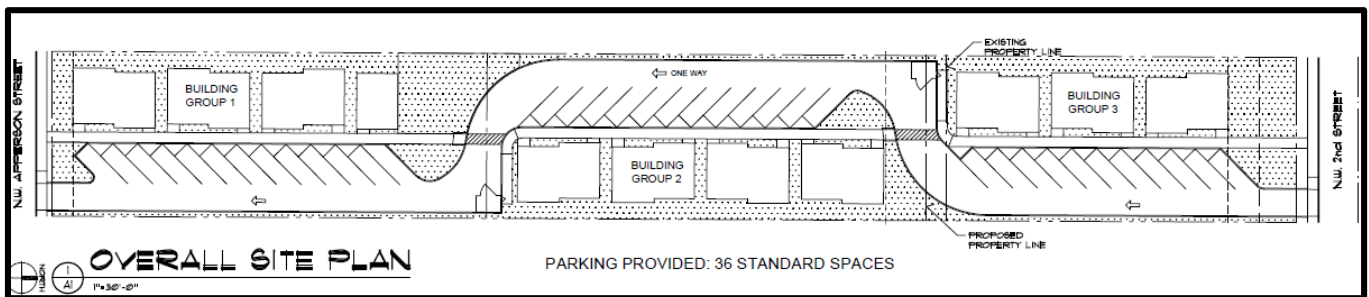
*Attachments:**Ordinance No. 5036 including:**Exhibit A – ZC 9-17/ZC 10-17 Decision Document**Public Testimony Received*

**Planned Development Amendment**

The request that is applicable to the southern parcel is an amendment of the existing planned development. The primary reasons for the amendment are to increase the density of the planned development which is limited based upon an outdated land-use decision; request a variance in the setbacks from the street to be able to create more open space interior to the project due to the unique and constrained layout of the property, and to allow several duplexes as a multi-family project on one parcel rather than one large apartment complex.

The applicant is requesting to repeal the existing planned development ordinance and replace it with a new planned development overlay. The zoning of the property would remain as R-4 PD (Multiple Family Residential Planned Development), but a development plan has been proposed by the applicant to become binding on the site. Also, the applicant is proposing to expand the planned development overlay to encompass the northern parcel. Therefore, the entire site would become R-4 PD, and the entire site was considered when reviewing the proposed development plan against the planned development review criteria

The proposed development plan can be seen below:



An amendment to an existing planned development may be authorized, provided that the proposal satisfies all relevant zoning requirements, and also provided that the applicant demonstrates the following:

**Section 17.74.070**

- A. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;

The subject site is uniquely shaped, as it is a somewhat narrow (80 feet wide) and deep (510 feet deep) parcel. This unique lot size creates a difficulty in the development of multiple family dwelling units on the site. The subject site is also located between two properties with different residential zoning classifications and existing residential uses. Immediately to the west are properties zoned R-2 PD (Single Family Residential Planned Development) and developed as single family dwellings. Immediately to the east is a property zoned R-4 PD (Multiple Family Residential Planned Development) and developed as a higher density apartment complex.

To allow for efficient development of the parcel, the applicant is proposing to combine the property with the adjacent property to the north, should the concurrent zone change request be approved, to provide one-way access through the site. This allows the applicant to reduce the amount of space required for vehicular movement, and also allows for the dwelling units to be more evenly distributed and spread out throughout the site.



In addition, the applicant is proposing to construct multiple duplex units within the site, clustered into three separate groups throughout the site. This pattern of development would not normally be allowed under standard zoning requirements. The City's definition of a multiple family dwelling unit is "a building containing three or more dwelling units". The buildings proposed by the applicant would only contain two dwelling units, which are defined as two-family dwelling units and are more commonly known as duplexes. Duplexes are allowed in the underlying R-4 zone, but normally no more than one duplex is allowed on a single lot. The allowance for multiple duplex units on a single lot is the primary reason for the applicant's planned development request. The proposed pattern of development with multiple duplex units clustered throughout the site would also provide more of a transition in building massing between the existing apartment complex to the east and the existing single family residences to the west.

The physical conditions of the site being uniquely shaped, and the applicant's intent to distribute housing units throughout the site and provide a transition between existing land uses, warrant a departure from the standard regulation requirements and the allowance of multiple duplex units in one development site.

#### Section 17.74.070

- B. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;

There are numerous Comprehensive Plan Goals and Policies that are applicable to this request. The narrative provided by the applicant identifies those goals and policies in detail, and they have also been identified in the attached decision document.

#### *Housing and Residential Development Policies*

The more notable Comprehensive Plan policies being satisfied by the planned development amendment are found in Chapter V (Housing and Residential Development). Goals from Chapter V of the Comprehensive Plan promote the development of affordable, quality housing for all city residents, and also promote a land-intensive development pattern. The applicant is proposing to provide a housing type that is needed in the city in multiple family dwelling units, and the infill development of this parcel with increased densities is an efficient and land-intensive development pattern.

The applicant is requesting an increase in density on the southern parcel as part of the planned development amendment. The existing planned development overlay limits the southern parcel to five (5) dwelling units, which is based on a maximum density of six (6) units per acre. The development plan for the overall planned development, which includes the parcel to the north, shows the construction of 21 (twenty-one) dwelling units. The requested increase to 21 (twenty-one) dwelling units then represents an overall increase of 15 (fifteen) dwelling units. The density of the overall planned development as proposed would be 18.9 units per acre. This level of density is more consistent with the densities intended for high density residential (R-4) properties in Comprehensive Plan Policy 71.09. The southern parcel also meets the locational requirements described in Policy 71.13 for high density residential (R-4) land, in that the site will have direct access from an arterial street if the planned development is approved. The site also has access to existing transit service, access to future commercial services, access to public parks and pedestrian walkways, and the development of the site is not limited by any natural or topographic features.

#### *Westside Density Policy*

The existing Planned Development overlay that applies to the southern parcel (Ordinance 4097) was adopted in 1980 and resulted in a rezoning of the property to R-4 PD to allow for the development of up to five (5) dwelling units. The limit to five (5) dwelling units was included as a condition of approval and was based on a sewer system analysis completed in 1979, which had determined that downstream

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capacity issues existed in the sanitary sewer system serving this property and this area of the city. One of the recommendations of the 1979 sewer system analysis was to limit density in the western side of McMinnville to six (6) dwelling units per acre. This resulted in the southern parcel being limited to five (5) dwelling units based on its 0.89 acres size.

In response to the sewer capacity issues identified in the 1979 analysis, the City adopted the Westside Density Policy in 1985 as a policy within the Comprehensive Plan. The Westside Density Policy (Policy 71.01) formally limited densities on the west side of the city to no more than six (6) units per acre. However, in an effort to disperse multiple family units throughout the community, the policy was amended in 2003 to exclude properties within a quarter mile of planned or existing transit corridors from the density limitation. The southern parcel is located well within a quarter mile of transit service. The Yamhill County Transit Route 2 (McMinnville East-West Express) currently operates immediately adjacent to the site, running hourly along SW 2<sup>nd</sup> Street for most of the day. Therefore, the subject site is not limited to six dwelling units per acre.

*Planned Development Policies*

Comprehensive Plan policies related to planned developments are contained in Policies 72.00 – 78.00. These policies encourage planned developments as a form of residential development as long as social, economic, and environmental savings will accrue to the city. The planned development policies also require preservation of natural and topographic features, the development of open space and community facilities within the planned development, and the development of safe and efficient traffic patterns and vehicle circulation within the planned development.

The proposed planned development will provide for a type of needed housing in the city in the form of multiple family residential rental housing. The increase in density on the site is more consistent with the city’s policies for high density residential zones, as described above, but the increase in dwelling units also increases the efficiency with which vacant land in the city is being developed. This can be considered an environmental savings as it will allow for densification within the existing urban growth boundary.

There are no significant natural or topographic features to preserve within the site. Open space is being provided within the development that directly benefits the future residents of the development. The applicant had originally submitted a development plan that included minimal open space, outside of some small areas that would be used for landscaping. To better meet the purpose of a planned development and Comprehensive Plan policies 75.00 and 76.00, the applicant revised the site plan to include more open space. On the north side of the southernmost grouping of duplexes, one of the duplex units was reduced to a single stand-alone unit. This allowed for a contiguous open space area to be provided within the site, totaling 2,360 square feet. The space is centrally located within the site, and will provide opportunities for gathering space and recreation for future residents. The open space provided equates to five (5) percent of the site being preserved as contiguous, usable open space.

In order to provide that larger open space within the site, the applicant is requesting reduced setbacks for the overall development site. The reduced setbacks are shown on the development plan that would become binding on the site, should the planned development amendment be approved. Specifically, the reduced setbacks are as follows:

|                           | Front Yard | Rear Yard |
|---------------------------|------------|-----------|
| Standard Required Setback | 20 Feet    | 15 Feet   |
| Proposed Setback          | 15 Feet    | 10 Feet   |

Since the City does not have specific standards for the amount of open space to be provided, staff reviewed other Oregon city’s requirements and found that the proposed percentage of open space is consistent with what other communities require within multiple family developments.

The internal traffic system is being designed to be efficient and safe. The circulation through the site will be one-way traffic, with ingress to the site from SW 2<sup>nd</sup> Street and egress to SW Apperson Street. The one-way drive aisle will meander through the site, primarily to allow for clustering of the duplex units, but that will effect traffic movement and should help to limit vehicle speed through the site. Also, landscaped islands will be provided near the curves in the drive aisle, which should assist more with traffic calming through the site.

Section 17.74.070

- C. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;

The surrounding area is fully developed, and the property within the planned development will not provide for access or services to adjoining parcels. Buffering will be required as a condition of approval between the subject site and the adjoining parcels, and the planned development will directly connect to the streets adjacent to the property without any major reconstruction or change to the surrounding transportation system.

Section 17.74.070

- D. The plan can be completed within a reasonable period of time;

The applicant has developed other properties in the city, and has a bona fide ability to develop this site. From conversations with the applicant, it is staff’s understanding that, should the zone change and planned development amendment be approved, the applicant intends to begin site work this fall in anticipation of construction of the dwelling units during the next construction season. In order to ensure that the plan is completed in a reasonable period of time, a condition of approval is recommended to require that the proposed improvements commence within two years of the effective date of this proposal. If the proposed improvements have not commenced within two years, and if they are not fully complete within seven years, the planned development approval shall be terminated and the applicant would be required to resubmit a planned development amendment application.

Section 17.74.070

- E. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;

The applicant has provided a traffic analysis that concluded that the surrounding street network has the capacity to accommodate the increase in trips that would result from the applicant’s request to rezone the northern parcel and develop 21 (twenty-one) dwelling units on the entire site, including the southern parcel. The traffic analysis showed that minimal increases in delays would occur at all of the surrounding intersections on SW 2<sup>nd</sup> Street, SW Agee Street, and SW Cypress Street. The minimal increases in delay did not have any impact on the overall level of service of any intersection within the study area. The Engineering Department has reviewed the traffic analysis, and does not have any concerns with the analysis or the findings. The engineering department has also verified that adequate sanitary and storm sewer facilities exist to serve the increased density of the site proposed by the applicant.

Section 17.74.070

- F. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;

Improvements to the sanitary sewer system have occurred since the time of the adoption of the Westside Density Policy, which was discussed in more detail above. Those improvements have addressed the capacity issues that drove the need for the Westside Density Policy, and the Engineering Department has reviewed this proposal and has offered no concerns with providing adequate services to this site to support the residential development density proposed by the applicant as part of the planned development. The applicant has also discussed the proposed development plan with other utility providers, McMinnville Water and Light and Northwest Natural, and neither entity has concerns with providing services to the site. Water, electricity, natural gas, sanitary sewer, and storm sewer all exist in either SW 2<sup>nd</sup> Street or SW Apperson Street to service the site. The engineering department will require that onsite stormwater detention and storm system improvements be provided that comply with the City's Storm Drainage Master Plan, and the applicant has verified that they intend to design their onsite system to meet that requirement.

Section 17.74.070

- G. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole.

The proposed development will be relatively low in intensity as a multiple family residential development. Based on the size of the site at 1.11 acres and the allowable densities in the R-4 (Multiple Family Residential) zone, the property could be developed with up to 32 (thirty-two) dwelling units. Therefore, significant noise, air, and water pollutants from the proposed development of the 21 (twenty-one) dwelling units will not have an adverse effect on the surrounding area or the city as a whole.

**Additional Conditions of Approval**

As proposed, the development plan shows three clusters of duplex units. The northern-most cluster is identified to be located primarily on the northern parcel. However, one of the duplex units in the northern cluster is currently shown to be constructed over the existing property line between the two subject parcels. In order to not have a duplex unit constructed over a common property line, a condition of approval has been included to require that the applicant complete a property line adjustment to either eliminate the common property line between the parcels or to adjust the property line to allow for the construction of all duplex units on one parcel.

**Discussion:**

The Planning Commission held a public hearing at their regular meeting on August 17, 2017. One resident provided oral testimony during the public hearing, and also submitted a written copy of his testimony at the public hearing. Two items of written testimony were provided to the Planning Department on the day of the public hearing, which were entered into the public record during the staff presentation portion of the public hearing.

The testimony provided was oppositional, and focused on the following elements:

- Buffering of the development site from adjacent properties
- Traffic congestion on SW Second Street and Cypress Street
- Statewide Planning Goal 10 analysis
- Impacts of the development on surrounding school enrollment

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- Overabundance of multiple-family dwelling units in the surrounding area
- Under-parking of the multiple family site

The public testimony received is provided as an attachment to this staff report.

After closing the public hearing and deliberating, the Planning Commission voted unanimously to recommend approval of the zone change and planned development amendment to the City Council. The proposed zone change and planned development amendment are described in detail below.

**Fiscal Impact:**

None.

**City Council Options:**

1. **ADOPT** Ordinance No. 5036, approving ZC 9-17/ZC 10-17 and adopting the Decision, Conditions of Approval, Findings of Fact and Conclusionary Findings.
2. **ELECT TO HOLD A PUBLIC HEARING** date specific to a future City Council meeting.
3. **DO NOT ADOPT** Ordinance No. 5036, providing findings of fact based upon specific code criteria to deny the application in the motion to not approve Ordinance No. 5036.

**Recommendation/Suggested Motion:**

Staff recommends that the Council adopt Ordinance No. 5036 which would approve the zone change and planned development amendment as recommended by the Planning Commission.

**“THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, I MOVE TO ADOPT ORDINANCE NO. 5036.”**

CD:sjs

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