



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

[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

## **EXHIBIT 1 - STAFF REPORT**

**DATE:** December 21, 2017  
**TO:** McMinnville Planning Commission  
**FROM:** Ron Pomeroy, Principal Planner  
**SUBJECT:** VR 1-17 – Variance – 826 SE 1<sup>st</sup> Street

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### **Report in Brief:**

This is a public hearing to consider an application for a variance to reduce the required number of off-street parking spaces on a commercially zoned property from the standard requirement of 106 parking spaces to 32 parking spaces. The subject site is located at 826 SE 1<sup>st</sup> Street and is more specifically described as Tax Lots 1800 and 1900, Section 21CA, T.4 S., R. 4 W., W.M.

### **Background:**

The subject site is currently developed with an 18,500 square foot commercial building that was originally constructed as a 12,500 square foot building in 1949, as noted in the applicant's narrative. The building was expanded in 1978 to its current footprint of 18,500 square feet in size. The site's western lot (tax lot 1900) is zoned C-3 (General Commercial). The site's eastern lot (tax lot 1800) is dual zoned with the northern portion of the lot approximately 100-feet in depth being zoned C-3 and the southerly balance of the lot being zoned R-4 (Multiple-Family Residential). The southern portion of Tax Lot 1800, which extends southward to SE Washington Street, provides the subject site two street frontages (SE 1<sup>st</sup> Street and SE Washington Street). The commercial building and a small portion of the associated parking area is located on the C-3 zoned portions of the two tax lots while the majority of the site's existing parking is located on the R-4 zoned portion of the site south of the existing commercial building.

The majority of the existing on-site parking is provided access by the main driveway located along the western edge of the building and leading southward from SE 1<sup>st</sup> Street to a parking area located behind the building. The developed portion of the site is virtually flat with the undeveloped balance of the property sloping somewhat steeply to the south toward SE Washington Street; the only improvement on this southern portion of the property is a blacktopped driveway connecting the site's parking area to SE Washington Street.

The western edge of the site is bounded by the Willamette and Pacific Railroad right-of-way. Properties located east of the commercial portion of the site are zoned C-3 and are developed with single-family residences. All adjacent properties located south of the site are zoned R-4 (Multiple-Family Residential) and are developed with single-family residences. North of the site, across SE 1<sup>st</sup> Street, is located the McMinnville Public Transit Mall on land zoned C-3. Located one block north of this site is the southern boundary of the "No Required Parking" portion of McMinnville's downtown. The C-3 zoned portion of the

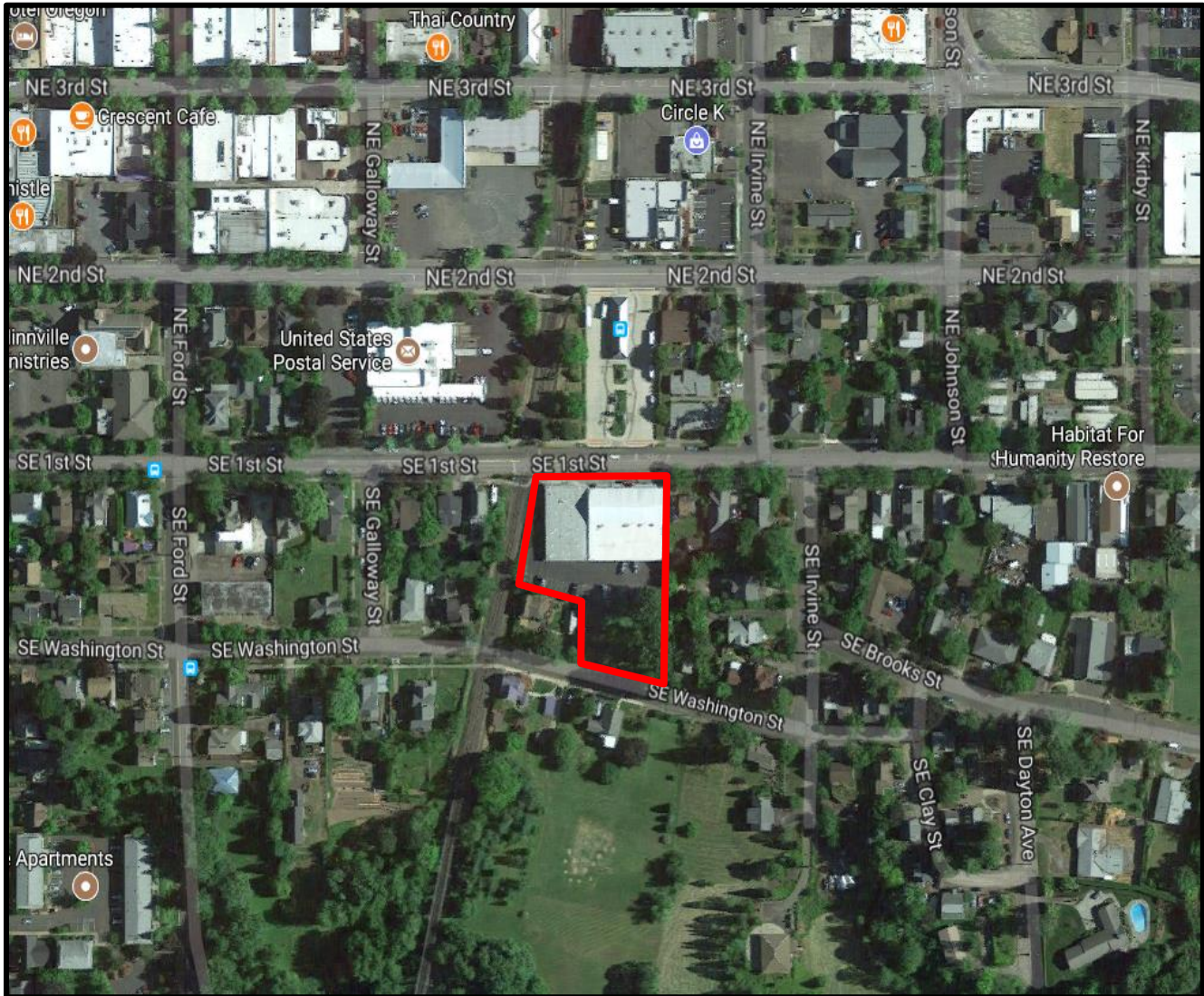
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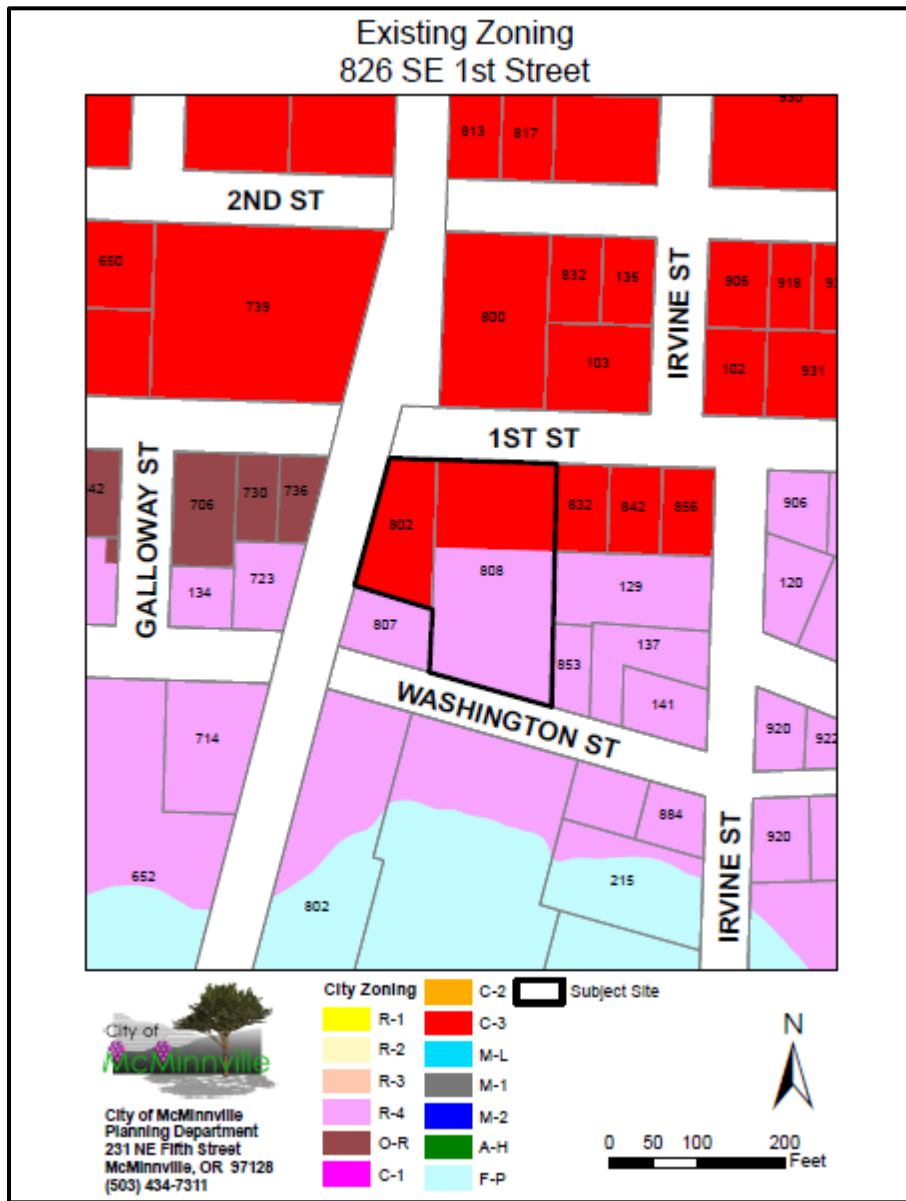
*Attachment A -- Decision, Conditions of Approval, Findings of Fact and Conclusionary Findings for the Approval of a Variance request to reduce the required number of on-site parking spaces at 826 SE 1<sup>st</sup> Street.*

site is designated as Commercial and the R-4 zoned portion of the site is designated as Residential on the City's Comprehensive Plan Map (1980).

The subject site's location and the site's zoning are identified in the graphics below:



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The subject site has a long history of being occupied with a variety of uses over the decades including, as noted in the applicant’s submitted narrative, that the building was historically used for “50% store and 50% warehouse according to Yamhill County Tax Assessor records.” The applicant’s narrative indicates that the building was recently purchased in 2016 and the current owner desires to remodel the interior of the building to accommodate a mix of artisan craft spaces, retail food and beverage, tasting rooms, salon space and other similarly complementary and compatible uses. The applicant indicates that there are currently 13 distinct spaces within the building that range in use from light industrial to retail; the light industrial use noted by the applicant is the Vinum Ferus Wine and Iron studio winery which creates some of the metal based shelves and tables displayed and utilized in their retail wine tasting venue at this location.

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Parking

When the uses located within a building change, the number of required on-site parking spaces needed to adequately support those uses also changes. Chapter 17.60 (Off-street Parking and Loading) of the McMinnville zoning ordinance provides standards for numerous types of uses and it is those standards that were utilized by the applicant to generate their on-site parking need. However, due to the multitude of proposed uses in this building, identifying the exact number of on-site parking spaces required was complicated. McMinnville’s parking chapter in its zoning ordinance is dated and not all of the current land uses proposed mimic the land uses identified in the parking land use table. The applicant first identified the need for 105 on-site vehicle parking spaces as indicated in their application. However, that number was modified by the applicant to 103 on-site parking spaces during the application review per the table below. And finally, after some dialogue, the applicant and city staff have identified the need for 106 on-site parking spaces.

Code ft/stall	est. sq ft	stalls req.		
100 or 1 per 4 seat	5,000	50	Restaurant max required compared to seats	17.16.060.C.9
1/emp 2/chr	2,000	18	Salon (6 emp, 6 chairs)	17.16.060.C.4
250	5,000	20	Retail	17.16.060.C.18
400	4,500	11	Creative space (Service repair)	17.16.060.C.20
300	1,000	3	Office	17.16.060.C.17
2,000	1,000	1	Warehouse	17.16.060.D.2
	<b>18,500</b>	<b>103</b>		

Through a review of this information with the applicant, it was clarified that the warehouse use (which, although a historical use in the building is not a permitted use in the C-3 zone) is actually an area for the manufacturing/compounding of products used by the Vinum Ferus Wine and Iron studio winery and commercial manufacturing is a permitted use in the C-3 zone as a subservient use to the main use of the business if it occupies less than 50 percent of their leased space (Section 17.33.010(55) of the zoning ordinance). Subsequently the parking calculation for the warehouse use noted above was recalculated as general retail space increasing the parking need for this particular tenant space from 1 parking space to 4 parking spaces. This increased the applicant’s estimated parking need to 106 parking spaces rather than the 105 parking spaces they originally anticipated being needed to meet their future needs in a manner compliant with code requirements. The applicant has provided an email (Decision Document Attachment 3) updating this figure from their original application request. This email also modified the number of existing parking spaces that will remain on the site which is explained below.

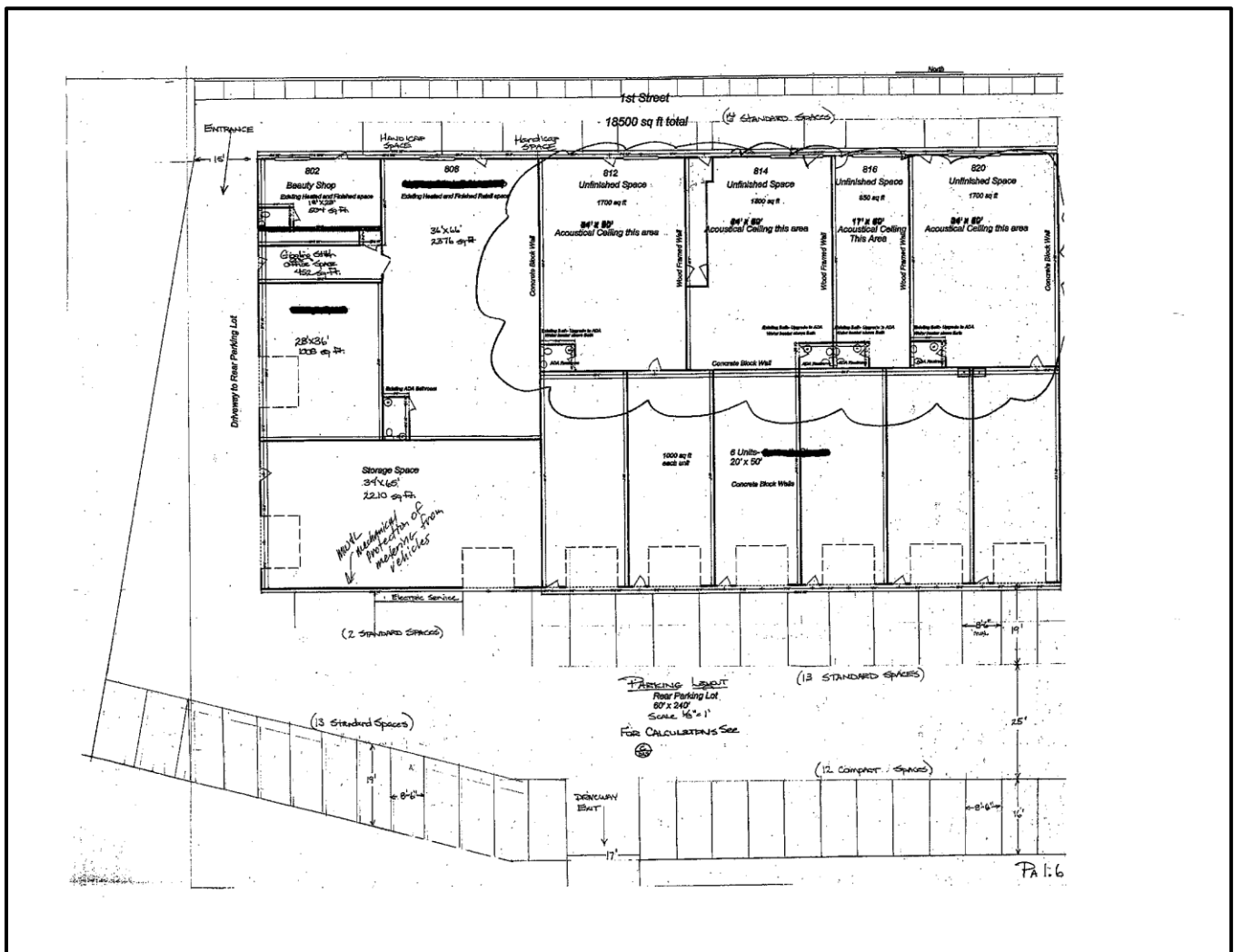
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Existing Parking

Just like the calculation of needed on-site parking spaces per the current parking code, the calculation of on-site parking spaces that meet the current code requirement was complicated due to the dichotomy of historic land uses that pre-date the development code and current code requirements. The overall amount of on-site parking spaces that will be retained reduced from 42 to 32 after staff review for current code requirements.

The applicant originally provided a number of exhibits as part of their application submittal to outline existing parking conditions and proposed new opportunities. One of the exhibits is a site plan showing the location and number of existing on-site parking stalls. A copy of that graphic is included as part of Attachment 1 of the Decision Document and has been provided below for the convenience of the Commission.

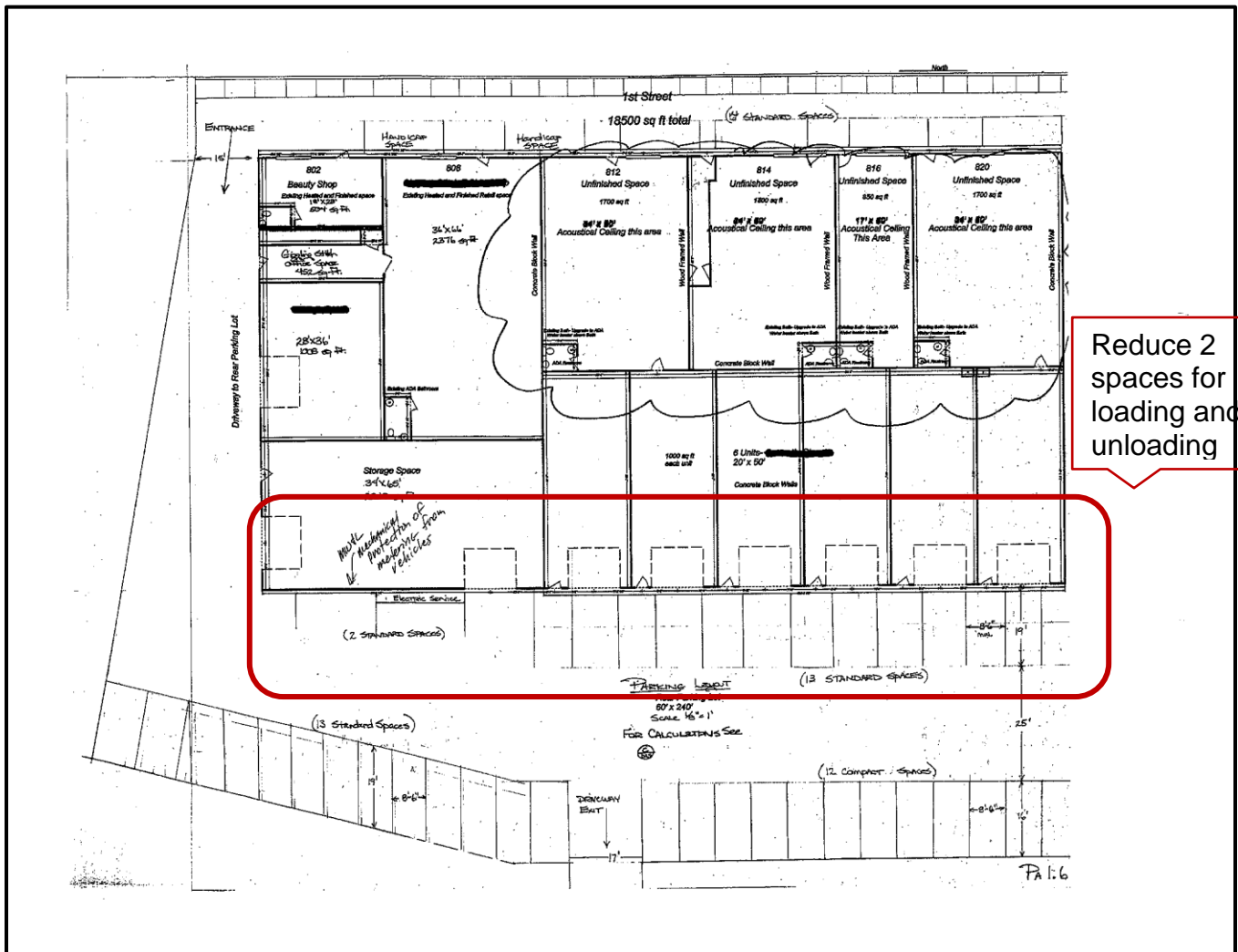


As can be seen on the site plan, the applicant identifies 13 standard sized stalls and 12 compact sized stalls located along the southernmost edge of the developed portion of the site separated by a driveway that extends southward to SE Washington Street. The site plan also indicates the existence of 15 standard spaces located along the back (south) edge of the building. It appears that six of these

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spaces are located directly in front of six of the seven roll-up bay doors located on the back of the building. In Attachment 3 of the Decision Document, the applicant has clarified that two of the existing parking stalls are located in front of vehicle bay doors that are intended to remain functional for loading and unloading purposes. Since dedicated parking stalls cannot be located so as to block the use of functioning vehicle bay doors, these two parking spaces will be eliminated from the count of available parking spaces for the site. The balance of the vehicle bay doors will no longer be used for vehicle access and will become architectural features of the building and for the uses that occupy those attached spaces. Parking stalls located in front of these bay doors shall remain. This adjustment results in the loss of two of the existing parking stalls from future use.



An additional six parallel parking stalls are located along the length of the front (north) side of the building located adjacent to the SE 1<sup>st</sup> Street sidewalk. All six of these parking stalls meet the dimensional requirements for compact parking stalls. However, two of the spaces are currently signed for handicapped parking and do not meet the dimensional width requirement for such use.

It is important to recall that the applicant’s request for approval of a parking variance invites a review of existing site parking. In that analysis, it is staff’s obligation to identify situations that either do not meet current codes or that are potential safety hazards. On this site, the two handicapped stalls located adjacent to the public sidewalk along the front of the building do not meet any dimensional requirement for such stalls. Additionally, and as noted by comments provided by the Engineering Department, all

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six parking stalls have a history of vehicles parked there encroaching into the public right-of-way and impeding portions of the sidewalk and pedestrian accessways into the businesses fronting SE 1<sup>st</sup> Street. The number of driveways and total width of driveways along the building frontage do not meet current City standards which, on this site, would allow one driveway on the western parcel and two driveways for the eastern parcel (Ordinance 4571, Decision Document Attachment 4). The western parcel currently contains three driveways; the westernmost driveway provides access to the site's parking area with the other two providing access to the two non-compliant handicapped parking stalls as shown in the graphic below:

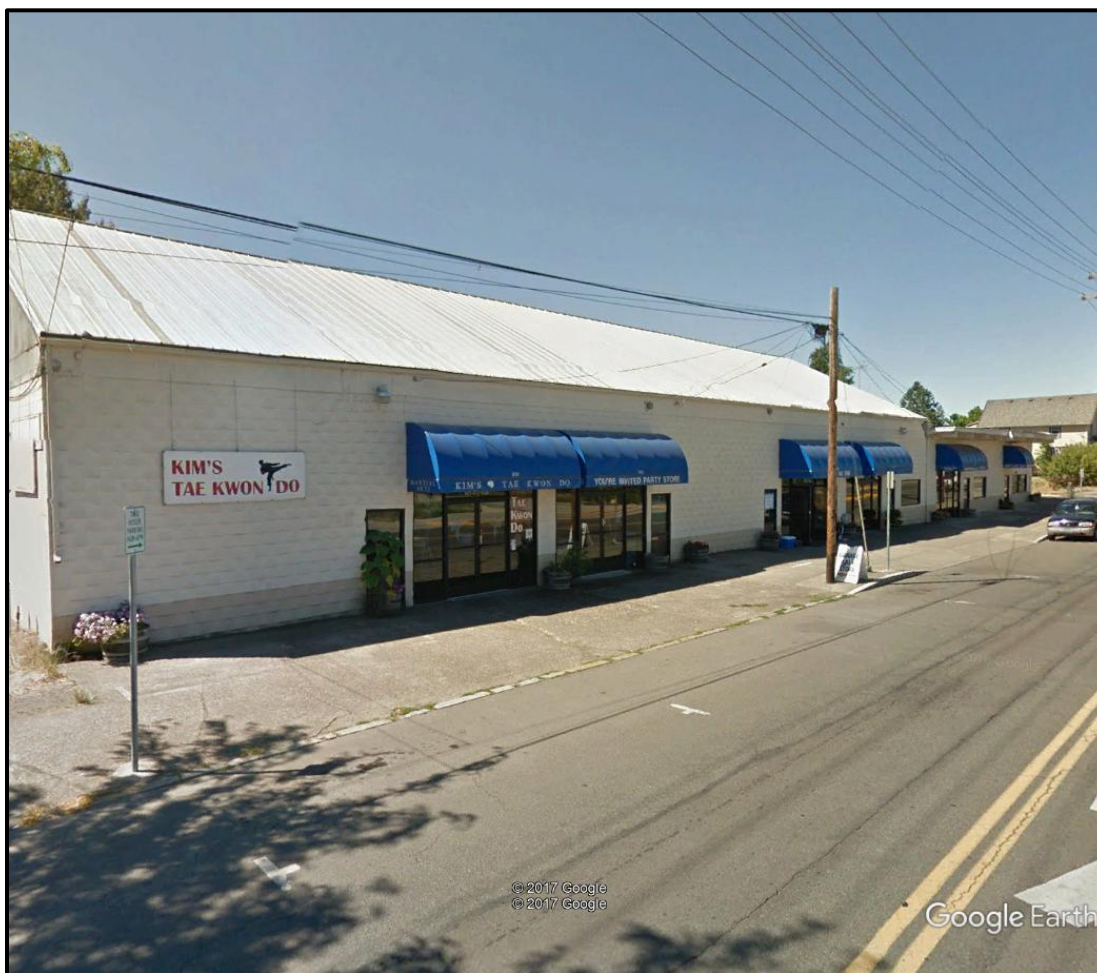


The eastern parcel is allowed two commercial driveways by City standards. The graphic below shows that there are two driveways that, again, provide access only to the parking spaces located parallel and adjacent to the public sidewalk; the two driveways are located in front of the blue double-awnings on the building frontage. Staff recommends the elimination of these six parking stalls and driveways from the frontage of this site as a condition of approval should this variance request be approved.

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In combination with the reduction of the two parking stalls located in front of the vehicle bay door access that is to remain along the back of the building, the total number of parking stalls eliminated from use at this site is eight. However, as on-site van accessible handicapped parking stalls must be made available, the two required van accessible spaces eliminated from the front of the building along SE 1<sup>st</sup> Street will be relocated to the main parking area of the site. As this type of parking stall is wider than a standard vehicle parking stall, it will result in the loss of two additional non-handicapped parking stalls. This adjustment results in the total number of usable parking stalls to remain on this site being adjusted to 32 which is 10 fewer parking stalls than the 42 stalls referenced in the applicant's variance request. Attachment 3 of the Decision Document provides the applicant's amended request reflecting these figures.

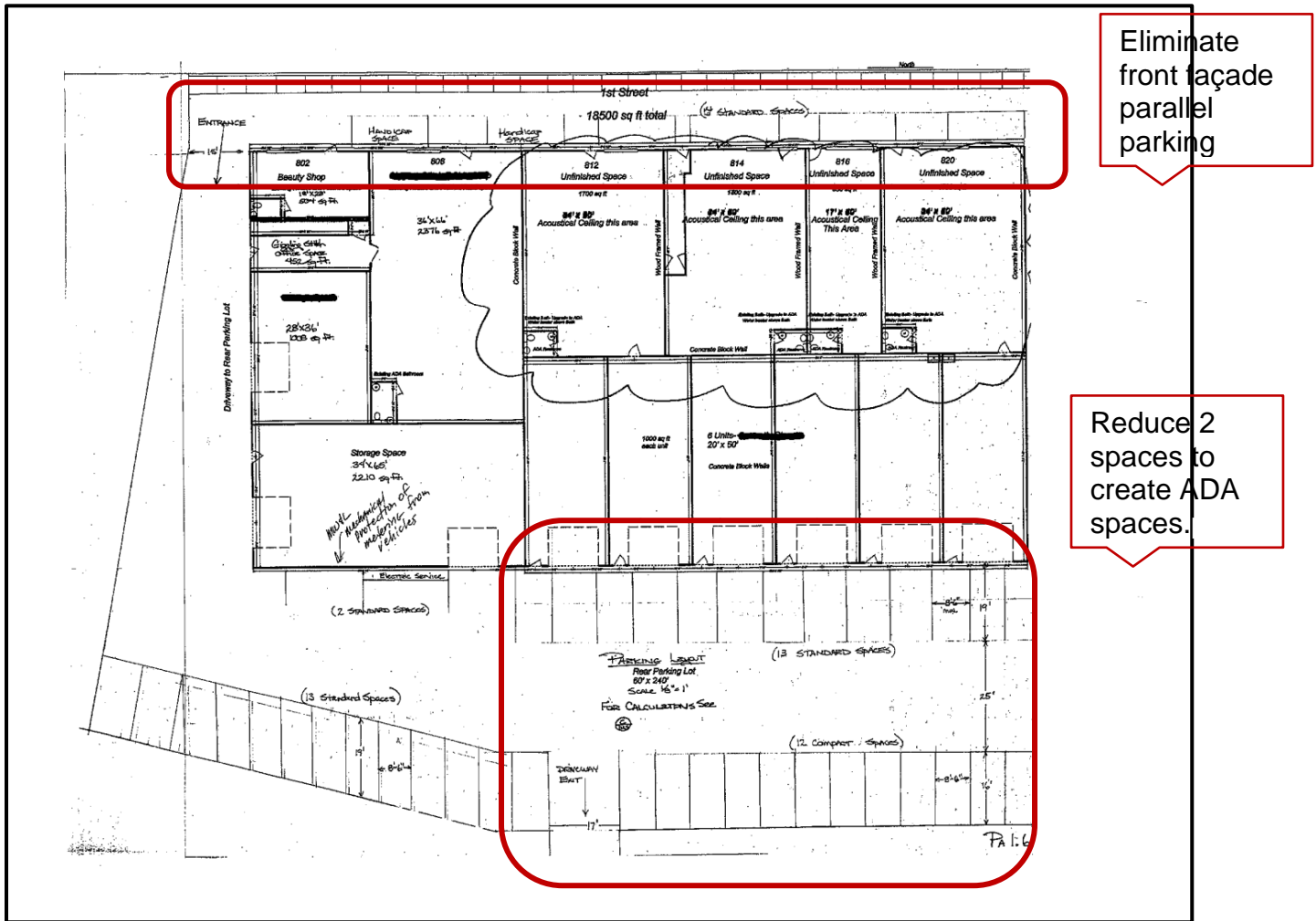
A graphic depicting these modifications is provided below for your reference.

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With elimination of the six parking stalls located along the building’s frontage, in addition to the elimination of four parking stalls from the sites’ parking lot, there would remain a total of 32 parking stalls on this site to serve employees and customers. Attachment 3 of the Decision Document provides the applicant’s amended request reflecting this reduction of existing on-site parking stalls from 42 to the actual resultant number of code compliant on-site parking stalls to 32.

As for opportunities to create additional on-site parking stalls, the applicant’s narrative states that it is virtually impossible to provide additional parking on this site given the steep slope that exists to the immediate south of the existing parking area; the existing flat parking area is currently supported by poured concrete retaining wall which was established decades ago to create the site’s level parking lot. The site’s dual zoned property and topographical features make the ability to secure additional on-site parking unreasonable. It is not physically possible to provide additional on-site parking at this location without extending the parking lot southward by way of an engineered cut and, potential, stabilization of the downslope bank which would push the parking area further into the R-4 zoned portion of the site. A stand-alone parking lot is not an allowed use in the R-4 Zone.

This property is unique constrained. It was originally built as a mixed-use building for warehousing and retail purposes as indicated by historic records, prior to the City’s Zoning Ordinance being enacted. The property was zoned to C-3 and R-4, neither of which allow warehousing as a land-use. And the

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site is topographically challenged. Thus in order to move forward with utilizing the property for its current intended use as a C-3 property, the property owner either needs to keep a significant portion of the property vacant, or request a parking variance. The granting of the requested variance is to recognize this site's and its building's history and evolution which is not unlike other buildings within and near McMinnville's downtown, and particularly those within the "No Required Parking" district which begins only one block to the north.

The property owner is interested in moving forward with a mixed-use, small tenant mix of food, arts and crafts, service providers and retail, similar to the downtown core. Given its proximity to the downtown core, the property owner feels that this is a complimentary effort.

To help address off-site parking concerns, the applicant also provided two graphics from Rick Williams Consulting as part of their application submittal which show that available on-street parking both in front of and in the nearby vicinity of the subject site is below a 55% utilization rate during both Thursday peak hour and Saturday peak hour usage; Rick Williams Consulting has been contracted by the McMinnville Urban Renewal Agency to conduct a detailed downtown parking study to determine how downtown parking capacity is utilized and where there may be opportunities for additional parking efficiencies. While information provided by the applicant in this regard is informative, reliance upon on-street parking is not available as justification for granting the variance as those spaces belong to the public and cannot be allocated for specific private use. It is none-the-less instructive given the increasingly encouraged pedestrian orientation of the downtown area.

The use of the interior space of this building will continue to evolve as the building further transitions to incorporate the desired mix of artisan craft spaces, retail food and beverage, tasting rooms and other complimentary and compatible uses previously described by the applicant. By not granting the variance, the owner would be limited to only filling the building with the intended uses that could be supported by the 32 valid parking stalls. When that limit is reached, the balance of the building would need to remain vacant as there is no more on-site parking available to support additional uses. This is not a good option for either the property owner or the city as it encourages underutilization of built commercial space and is a disincentive to additional potential local job creation.

This parking variance request provides an opportunity for the property owner to fully utilize this building with uses that would further enhance and expand the McMinnville's growing and vital downtown. If approved, staff suggests the adoptions of conditions of approval requiring the elimination of the six parking spaces located along the front of the building as well as the elimination of the two parking stalls currently located in front of the vehicle bay doors at the rear of the building that are intended to continue to serve loading and unloading access needs and the elimination of two additional spaces in the parking area in order to accommodate the required handicapped parking stalls. In addition, it is recommended that the applicant also be required to provide a designated handicapped accessible route to both the north and south facing businesses that is acceptable to the building department.

### **Discussion:**

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

#### *Section 17.74.100*

#### *Variance – Planning Commission Authority:*

The Planning Commission may authorize variances from the requirements of the zoning ordinance where it can be shown that, due to unusual circumstances related to a specific piece of property, strict

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application of this title would cause an undue or unnecessary hardship. However, no variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of the zoning ordinance.

## Variance Review Criteria

### Section 17.74.110

A variance may be granted only in the event that the following circumstances substantially exist. [Staff observations are provided at each criterion provided in Section 17.74.110.]

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of the ordinance codified in this title, topography, or other circumstance over which the applicant has no control;

Observation: This site was originally developed in 1949 and expanded in 1978 and has not changed in any substantive way since that time. What changed over the decades were parking needs and desirable commercial uses within close proximity to the historic portion of McMinnville’s downtown. The existing building and parking area currently occupy the entirety of the flat portion of the site north of the retaining wall. The applicant has explored alternatives to requesting variance approval (such as extending parking further into the R-4 zoned portion of the site to the south) but has found none to be viable. Faced with either underutilization of the building or utilization of a sizable portion of the building with a use that has a very low commercial parking requirement (such as using the building as a retail store handling bulky merchandise or household furniture which has a 1 space per 500 square feet parking ratio), the applicant has requested that the Planning Commission recognize the unusual predicament currently defining the commercial use of this site and has requested recognition of the site’s built and operational history and is asking for relief from parking requirements that cannot be met. Based upon these circumstances, staff finds that this criterion is satisfied.

- B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess;

Observation: The variance is necessary for the preservation of the property right to pursue full utilization of this existing commercial building with uses more appropriate for the downtown area than those realized in 1949 and 1978 when the building was first constructed and expanded. The main purpose in requiring the provision of on-site parking is for each development to have the ability to accommodate the anticipated parking needs of purveyors and customers. In this case, disallowing the variance request would be harmful to the property owner in that its denial would be to withhold a legally viable remedy to a decades old problem that seems to otherwise have no reasonably viable solution. The inability to secure creative re-use of the full building or to relegate the building to a use such as bulky retail sales would also detract from its future value as a place of diverse craft employment and service to the greater community as desired by the applicant. No public need would be served by denying this variance request and no other remedy knowingly exists to afford the owner the ability to seek the full range of commercial tenants available to other similarly zoned commercial sites; especially to those properties located in the “No Required Parking” portion of the downtown located only one block to the north. Therefore, staff finds that this criterion has been satisfied.

- C. The variance would not be materially detrimental to the purpose of this title, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any City plan or policy;

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**Observation:** Approval of this variance request would not be materially detrimental to the site, the surrounding neighborhood or the broader community in that this situation has existed in its present form since 1978. Essentially, the variance request is a request to be afforded with the opportunity to pursue a range of commercial uses for this building enjoyed by other nearby commercial uses. A wide mix of uses have existed within this building over the decades and those uses have relied on the existing street network for related vehicle and pedestrian movement through the downtown and nearby neighborhoods. Approval of this variance request will simply provide a legally compliant framework within which new commercial uses can occupy the same building with the added benefit that the existing problematic parking situations at this site will be remedied. Therefore, staff contends that criterion has been satisfied.

D. The variance requested is the minimum variance which would alleviate the hardship.

**Observation:** The variance requested is the minimum possible that would alleviate the hardship while providing code-compliant on-site vehicle parking opportunities. As there is no room on this site to expand parking availability, and no supportable opportunity to extend additional commercial parking use further into the adjacent R-4 (Multiple-Family Residential) zoned neighborhood to the south, the requested variance is the minimum that could be requested in order to allow continued economic viability to the site and existing building. Additionally, as noted by the applicant, employee parking can be encouraged to occur off-site without detriment to the surrounding neighborhood as indicated by relevant portions of the parking study recently initiated by the McMinnville Urban Renewal Agency that is currently underway. Therefore, staff contends that this criterion has been satisfied.

**Testimony Received:**

- Decision Document Attachment 2 – December 4, 2017 Letter from Fred and Susan Freeman received December 5, 2017. [Also submitted with the letter was SIM card containing 338 photographs of their home (located at 807 SE Washington Street) including photographs of interior and exterior home improvement projects, landscaping, plant names, area wildlife, a beach cottage and scenes of the Oregon coast. These digital photographs are on file with the Planning Department.]

***Summary of Public Written Testimony Comments:***

The concerns are summarized below and can be reviewed in their original entirety by review of the attachments to this staff report. No comments were provided by the Engineering Department addressing the issues outlined below.

**SE Washington Street is a dead end street and there are safety concerns:**

Summary – Has a study been done to consider the additional traffic and parking impacts along SE Washington Street if variance request is approved?

Response – A Traffic Impact Analysis for this variance request has not been conducted or provided. This request for a parking variance, if approved, would allow the existing commercial building to be fully occupied with uses more similar to those found throughout the downtown. A downtown parking study commissioned by the McMinnville Urban Renewal Agency is currently underway to study downtown parking availability and usage and to identify, in part, potential opportunities for increased efficiencies in downtown parking. Some of the data gathered in this study indicates additional on-street parking capacity both in front of and on the nearby blocks around the north side of the subject site. Additionally, this request has been reviewed by McMinnville's service and utility providers including the McMinnville Fire

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Department, Police Department, and Engineering Department. There were no concerns noted by any of those reviewing agencies and departments relative to potential impacts or safety concerns to SE Washington Street. The Engineering Department did provide comments relative to the parking stalls and curb cuts located in front of the building located along SE 1<sup>st</sup> Street which are addressed through the recommended conditions of approval.

Noise and personal concerns regarding changes caused by traffic patterns and types of nearby business.

Summary – Currently, individuals in their vehicles honk their horns, raise their voices, and play loud music near our home and it is detrimental to our quality of life and privacy. Additionally, vehicles have damaged their adjoining fence.

Response – These concerns seem to be more centered on individual behaviors rather than being a result of the types of businesses that may occupy the building located on the subject site.

Additional traffic and parking along Washington Street. The intersection of Irvine and Washington cannot sustain additional traffic.

Summary – Additional traffic and parking along Washington Street from parking overflow of the commercial site would change the residential nature of the area. Also, the intersection of Irvine and Washington cannot sustain additional traffic and is dangerous. Concern regarding the wildlife utilizing the undeveloped land located south of Washington Street was also noted.

Response – The City Engineer reviewed this proposal and did not provide comment regarding traffic volume or safety concerns with the intersection of SE Irvine and SE Washington Streets. However, both of these streets are designated in McMinnville’s Transportation System Plan as local residential streets with a traffic carrying capacity of 1,200 daily vehicle trips. Southeast Washington Street dead ends at the railroad right-of-way less than 500 feet west of this intersection. Vehicle trips along this distance are fewer than if SW Washington Street continued westerly to intersect with other local streets as part of a broader street grid.

While it could be more convenient for customers and employees of future tenants of this building to utilize on-street parking located north of, and on the same elevation as, the subject commercial building, all on-street parking opportunities are publicly held and available for use by the public whether they are located in commercial or residential areas.

Potential resultant impacts on the wildlife utilizing the Multiple-Family and Floodplain zoned lands located across from the Freeman residence and south of Washington Street relative to occupancy changes within the sites’ commercial building located on SE 1<sup>st</sup> Street have not been studied.

Storm drainage from the site onto Washington Street. Is there an environmental spill study available for this commercial site?

Summary – Storm water runoff down the southern portion of the site makes the lower portion a “virtual swamp” during the rainy season and creates a lake along Washington Street. The City removed a storm drain from Washington Street which exacerbated this problem. Also, has an environmental spill study been done for this site when or if a business on that site has a spill?

Response - The applicant is proposing no exterior modification to the building or physical improvement to the balance of the site, with the exception of restriping of a small portion of the rear parking area. There is no anticipated increase of storm water flow to SW Washington Street from approval of this variance request.

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An accidental spill prevention plan or a spill prevention control and countermeasure plan is not a local requirement for consideration of a parking variance request. As a practical and safety measure, most businesses do have MSDS (Material Safety Data Sheets) available in an easily accessible location to provide health, safety, disposal and emergency countermeasure information for each substance of concern utilized in the workplace.

An additional resource addressing environmental safety concerns is the Oregon Department of Environmental Quality (DEQ). The Oregon DEQ maintains an Environmental Cleanup Site Information Database of known and potential environmental hazard cleanup sites on their website (<http://www.oregon.gov/deq/Hazards-and-Cleanup/env-cleanup/Pages/ecsi.aspx>). Staff conducted a search of this database and the subject site was not listed as either a known or potential environmental concern to the Oregon DEQ.

**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 approval in the motion to approve.

**Recommendation/Suggested Motion:**

The Planning Department recommends that the Commission make the following motion to approve VR 1-17:

**THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL IN THE DECISION DOCUMENT FOR VR 1-17, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION APPROVES VR 1-17 SUBJECT TO THE FOLLOWING CONDITIONS.**

1. That prior to the issuance of any building permit(s), the applicant shall:
  - a. Eliminate the six parking spaces and the four eastern-most driveways currently located along the front of the building adjacent to SE 1<sup>st</sup> Street;
  - b. Eliminate two parking stalls currently located in front of the vehicle bay doors at the rear of the building that are intended to continue serving loading and unloading needs into the building;
  - c. Provide two handicapped accessible parking spaces in the parking area in order to accommodate the required handicapped parking needs as acceptable to the McMinnville Building Department; and,
  - d. Provide a designated handicap accessible route to both the north and south facing businesses that is acceptable to the McMinnville Building Department.

RP:sjs

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**ATTACHMENT A**



**CITY OF MCMINNVILLE  
PLANNING DEPARTMENT**  
231 NE FIFTH STREET  
MCMINNVILLE, OR 97128

503-434-7311

[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**DECISION, FINDINGS OF FACT, AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A VARIANCE FOR TO REDUCE THE REQUIRED NUMBER OF OFF-STREET PARKING SPACES ON A COMMERCIAL ZONED PROPERTY FROM THE STANDARD REQUIREMENT OF 105 PARKING SPACES TO 42 PARKING SPACES.**

**DOCKET:** VR 1-17 (Variance)

**REQUEST:** The applicant has requested approval of a variance to reduce the required number of off-street parking spaces on a commercially zoned property from the standard requirement of 105 parking spaces to 42 parking spaces.

**LOCATION:** The subject site is located at 826 SE 1<sup>st</sup> Street and is more specifically described as Tax Lots 1800 and 1900, Section 21CA, T. 4 S., R. 4 W., W.M.

**ZONING:** C-3 (General Commercial) and R-4 (Multiple-Family Residential)

**APPLICANT:** Kelly McDonald, on behalf of Tempe One, LLC

**STAFF:** Ron Pomeroy, Principal Planner

**DATE DEEMED COMPLETE:** November 6, 2017

**HEARINGS BODY:** McMinnville Planning Commission

**DATE & TIME:** December 21, 2017, 6:30 p.m. Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Oregon

**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.

Attachments:

Attachment 1 – Application and Attachments

Attachment 2 - December 4, 2017 Letter from Fred and Susan Freeman received December 5, 2017

Attachment 3 – December 8, 2017 Email from the Applicant received December 8, 2017

Attachment 4 – Ordinance 4571

**DECISION**

Based on the findings and conclusions, the Planning Commission recommends **APPROVAL** of the variance request (VR 1-17) subject to conditions.

////////////////////////////////////  
**DECISION: APPROVAL**  
////////////////////////////////////

Planning Commission: \_\_\_\_\_ Date: \_\_\_\_\_  
Roger Hall, Chair of the McMinnville Planning Commission

Planning Department: \_\_\_\_\_ Date: \_\_\_\_\_  
Heather Richards, Planning Director

- Attachments:
- Attachment 1 – Application and Attachments
- Attachment 2 - December 4, 2017 Letter from Fred and Susan Freeman received December 5, 2017
- Attachment 3 – December 8, 2017 Email from the Applicant received December 8, 2017
- Attachment 4 – Ordinance 4571



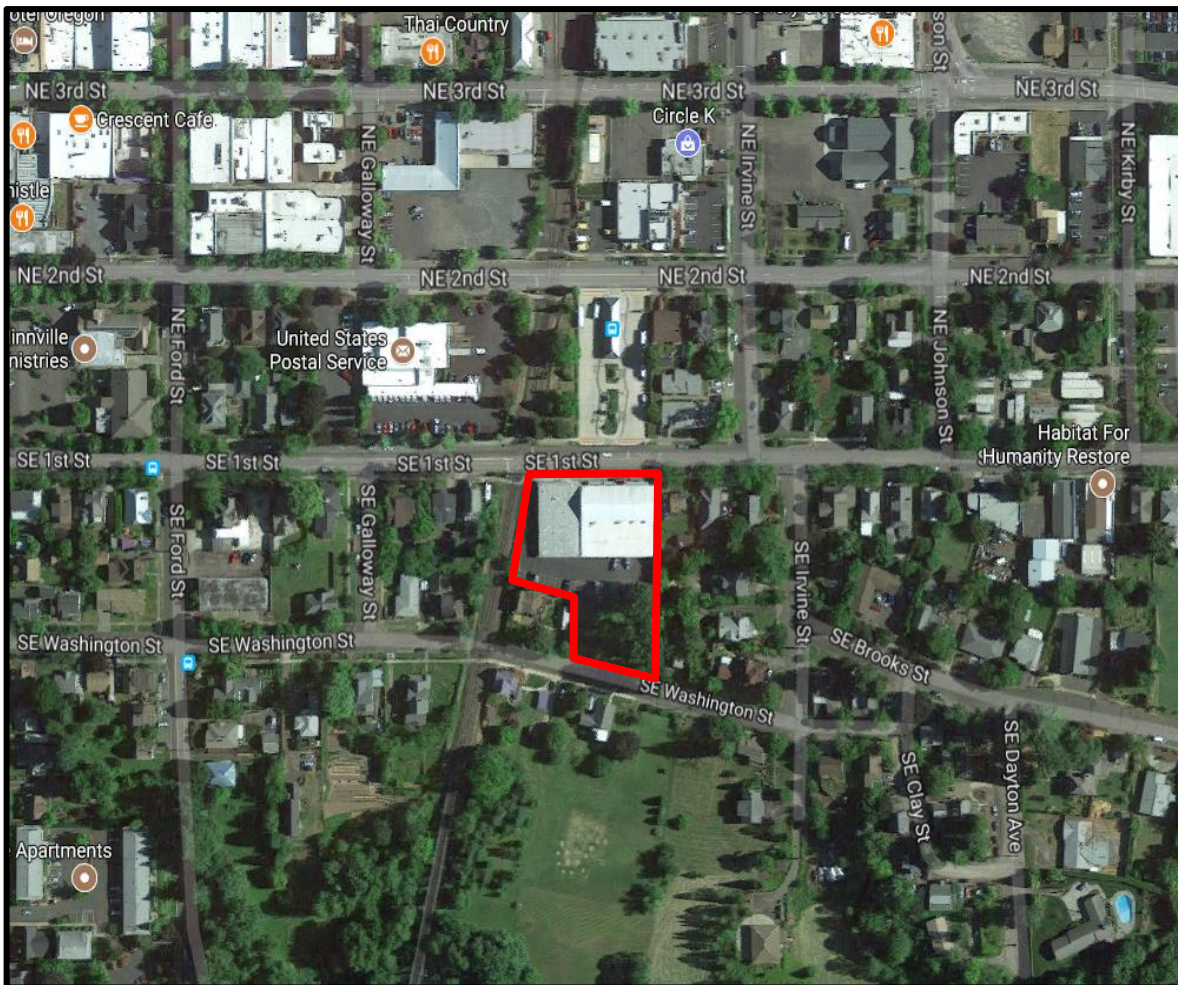
**APPLICATION SUMMARY:**

The applicant has requested a variance to reduce the required number of off-street parking spaces on a commercially zoned property from the standard requirement of 106 parking spaces to 32 parking spaces.

On December 8, 2017, the applicant submitted a revised description of the variance request (Attachment 3). The revision requests that the variance be approved to reduce the required number of off-street parking spaces on a commercially zoned property from the standard requirement of 106 parking spaces to 32 parking spaces. This adjustment is based on the use categories identified for this site and the square footage allocations for each use provided by the applicant totaling an on-site parking need for 106 parking spaces. And although there are currently 42 existing parking on-site spaces, after adjusting the number of existing parking stalls for reasons described by the applicant, the total number of code compliant on-site parking spaces would be 32 rather than the originally stated 42.

The subject site is located at 826 SE 1<sup>st</sup> Street and is more specifically described as Tax Lots 1800 and 1900, Section 21CA, T.4 S., R. 4 W., W.M. North of the site, across SE 1<sup>st</sup> Street, is located the McMinnville Public Transit Mall on land zoned C-3. Located one block north of this site is the southern boundary of the “No Required Parking” portion of McMinnville’s downtown.

The subject site location and the site’s zoning are identified in the graphics below:



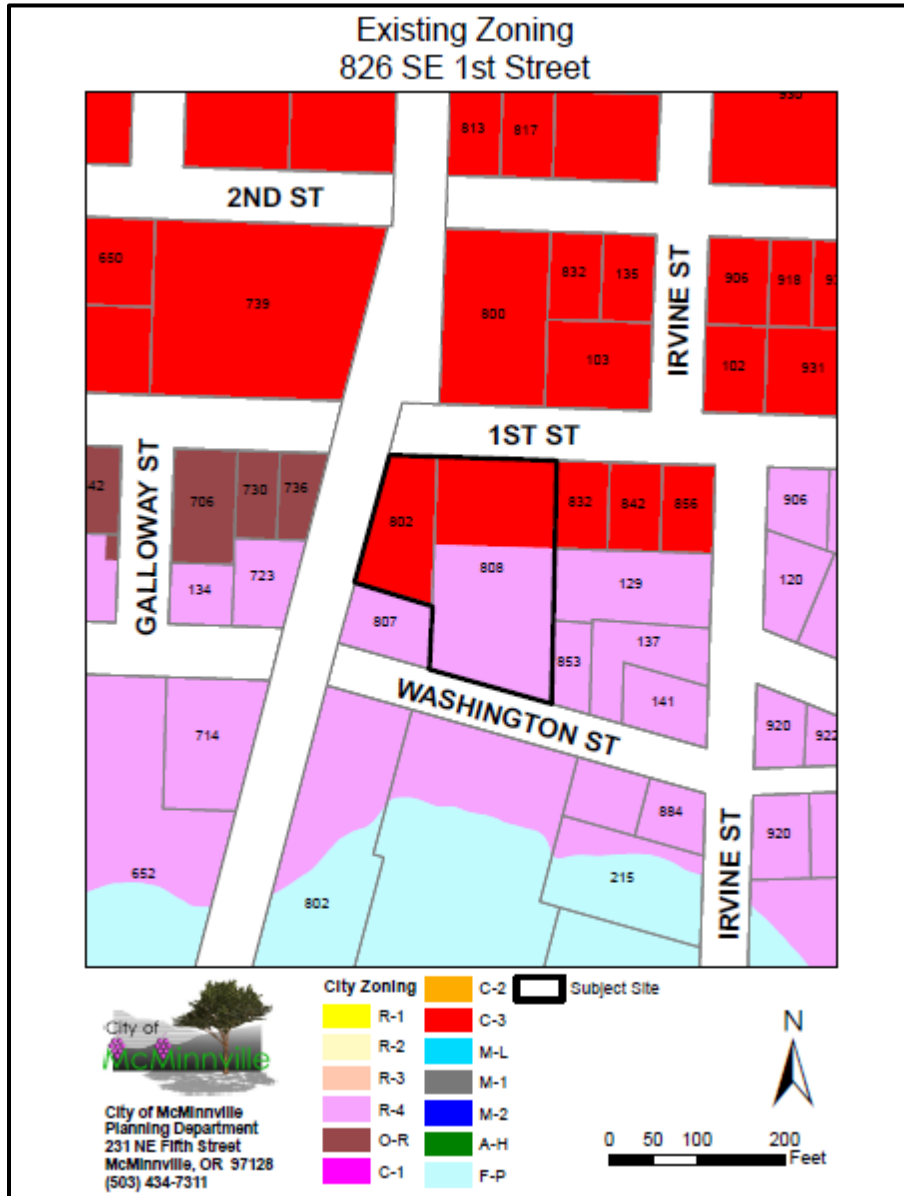
## Attachments:

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The subject site is currently developed with an 18,500 square foot commercial building that was originally constructed as a 12,500 square foot building in 1949 as noted in the applicant’s narrative. The building was expanded in 1978 to its current footprint of 18,500 square feet in size. On-site parking availability on this site currently remains at 42 stalls as it has for decades.

The owner of this building intends to further evolve the use of the interior space of this building to incorporate a desired mix of artisan craft spaces, retail food and beverage, tasting rooms and other complimentary and compatible uses. As on-site parking deficiencies will not allow this transition to occur, the applicant is seeking a variance to those standards to allow the creative reuse of this building to move forward. In addition, it is proposed that currently non-conforming parking stalls will be eliminated and the required handicapped accessible parking stalls relocated to increase public safety and accessibility.

Attachments:

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- Attachment 4 – Ordinance 4571

**CONDITIONS OF APPROVAL:**

1. That prior to the issuance of any building permit(s), the applicant shall:
  - a. Eliminate the six parking spaces and the four eastern-most driveways currently located along the front of the building adjacent to SE 1<sup>st</sup> Street;
  - b. Eliminate two parking stalls currently located in front of the vehicle bay doors at the rear of the building that are intended to continue serving loading and unloading needs into the building;
  - c. Provide two handicapped accessible parking spaces in the parking area in order to accommodate the required handicapped parking needs as acceptable to the McMinnville Building Department; and,
  - d. Provide a designated handicap accessible route to both the north and south facing businesses that is acceptable to the McMinnville Building Department.

**ATTACHMENTS:**

1. Application and Attachments
2. December 4, 2017 Letter from Fred and Susan Freeman received December 5, 2017
3. December 8, 2017 Email from the Applicant received December 8, 2017
4. Ordinance 4571

**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:

We have reviewed proposed VR 1-17, and would note that over time there have been issues with the parking adjacent to the front of the building along 1<sup>st</sup> Street. At times, parked vehicles encroach into the right-of-way and impede portions of the sidewalk/pedestrian accessway. Also, I'm not certain if the width of those spaces meets parking City standards, or if the marked ADA spaces meet building code standards.

Further, the number of driveways, and total width of driveways, along the building frontage does not meet current standards.

It would seem that with redevelopment of the building, those non-conforming and troublesome parking spaces should be removed, and the driveways should be reconfigured to meet standards. Also, the variance submittal should reflect addressing the concerns with those parking spaces and driveways.

- McMinnville Water and Light:

MW&L has no comments on this application.

**Attachments:**

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**FINDINGS OF FACT**

1. The applicant, Kelly McDonald, on behalf of Tempe One, LLC, has requested a variance to reduce the required number of off-street parking spaces on a commercially zoned property from the standard requirement of 105 parking spaces to 42 parking spaces.
2. The subject site is located at 826 SE 1<sup>st</sup> Street and is more specifically described as Tax Lots 1800 and 1900, Section 21CA, T. 4 S., R. 4 W., W.M.
3. The subject property is currently zoned C-3 (General Commercial) and R-4 (Multiple-Family Residential), and is designated as Commercial and Residential, respectively, on the McMinnville Comprehensive Plan Map, 1980.
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 in this exhibit.
5. Notice of the public hearing was provided by the City of McMinnville in the December 12, 2017 edition of the News-Register. One public comment was received prior to the public hearing (Attachment 2).
6. The applicant has submitted findings (Attachment 1) in support of this application. Those findings are herein incorporated.
7. The applicant has submitted a revision to the original variance request (Attachment 3).

**CONCLUSIONARY FINDINGS:****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 IV 4: TO PROMOTE THE DOWNTOWN AS A CULTURAL, ADMINISTRATIVE, SERVICE, AND RETAIL CENTER OF McMINNVILLE.

*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.*

*Policy 38.00: The City of McMinnville shall encourage the renovation and rehabilitation of buildings in the downtown area, especially those of historical significance or unique design.*

Attachments:

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Finding: Goal IV 4 and Policies 36.00 and 38.00 are satisfied in that the subject site is located within McMinnville's downtown area. The expansion room originally provided for this site has been since maximized with the building expansion that occurred in 1978 and by the provision of as much parking as could be accommodated through the construction of a retaining wall and the leveling the northern portion of the property. While vertical mixing of uses are permitted on the C-3 zoned portion of the site the applicant is not proposing such at this time. Although the site's parking opportunities are limited there still exists a safe and convenient auto-pedestrian circulation pattern within the area by way of a fully improved public street adjacent to the front of the building and on surrounding blocks. Further, the owner of the building is in the process of renovating the building to accommodate new uses that better complement the emerging commercial trends occurring elsewhere in the downtown area.

*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.

Finding: Policy 44.00 is satisfied in that this policy applies to the "downtown" and not specifically to only the downtown's reduced parking requirements areas that are located north of the subject site. Further, the "downtown" referred to in this policy is also not defined as being that area within either the National Historic District or the area affected by the adopted Downtown Design Standards and Guidelines (Chapter 17.59 of the McMinnville zoning ordinance), each of which have different boundaries. Rather, this site, being commercially developed and located directly across SE 1<sup>st</sup> Street from the McMinnville Public Transit Mall, is a part of the area generally and commonly known as downtown and to which this policy is applicable. In addition, regarding physical expansion opportunities, this site has provided as much on-site parking as can be accommodated given the site size and shape and the existing size of the decades old building.

#### Transportation System

*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 rights-of-way as transportation routes.

*Policy 128.00:* The City of McMinnville shall continue to assist in the provision of parking spaces for the downtown area.

Finding: Policies 127.00 and 128.00 are satisfied in that the subject site has maximized its opportunity to provide onsite parking short of extending the parking area into the downslope portion of the site and further into an established R-4 (Multiple-Family Residential) zoned neighborhood. Additionally, the McMinnville Urban Renewal Agency has contracted to conduct a detailed downtown parking study to determine how downtown parking opportunities are utilized and where there may be opportunities for additional parking efficiencies.

**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.

#### Attachments:

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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.

### **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:

- 4. Barber shop and Beauty Parlor – One space per each employee plus two spaces per each barber or beauty chair.
- 9. Establishments for sale and consumption on the premises of beverages, food or refreshments. One space per 100 square feet of floor area or one per four seats, whichever is greater.
- 17. Professional Office (non-medical) – One space per 300 square feet of floor area.
- 18. Retail Store – One space per 250 square feet of floor area.
- 20. Service and Repair Shop – One space per 400 square feet.

Finding: Based on the use categories identified for this site and the square footage allocations provided by the applicant the total on-site parking need is for 106 spaces (Attachment 3). There are currently 42 existing parking on-site spaces. After adjusting the number of existing parking stalls as described by the applicant in Attachment 3, the total number of code compliant on-site parking spaces is 32 which precipitates the need for this variance request.

17.74.100 Variance-Planning Commission Authority. The Planning Commission may authorize variances from the requirements of this title where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this title would cause an undue or unnecessary hardship, except that no variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this title.

Finding: Section 17.74.100 is satisfied in that the Planning Commission found that special and unusual circumstances related to this a fully developed site, as described in more detail below, authorize the variance.

17.74.110 Conditions for Granting Variance. A variance may be granted only in the event that the following circumstances substantially exist:

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape legally existing prior to the date of the ordinance codified in this title, topography, or other circumstance over which the applicant has no control;

Finding: This site was originally developed in 1949 and expanded in 1978 and has not changed in any substantive way since that time. What changed over the decades were parking needs and desirable

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commercial uses within close proximity to the historic portion of McMinnville's downtown. The existing building and parking area currently occupy the entirety of the flat portion of the site north of the retaining wall. The applicant has explored alternatives to requesting variance approval (such as extending parking further into the R-4 zoned portion of the site to the south) but has found none to be viable. Without requesting approval of this parking variance, the applicant would need to settle for a great under-occupancy utilization of the building in order to comply with current parking requirements. Alternatively, the applicant would need to employ a use that has a low commercial parking requirement, such as a retail store handling bulky merchandise or household furniture (which has a 1 space per 50 square feet parking ratio) that could occupy a large portion, but not all, of the space as it would require a minimum of 36 parking stalls to accommodate even this least intensive commercial parking use. Rather, the applicant has requested that the Planning Commission recognize the unusual predicament currently defining the commercial use of this site and has requested recognition of the site's history and is asking for relief from a standard that cannot realistically be met. Based upon these circumstances, the Planning Commission finds that this criterion is satisfied.

- B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess;

Finding: The variance is necessary for the preservation of the property right to pursue full utilization of this existing commercial building with uses more appropriate for the downtown area than those realized in 1949 and 1978 when the building was first constructed and then expanded. The main purpose in requiring the provision of onsite parking is for each development to have the ability to accommodate the anticipated parking needs of purveyors and customers. In this case, disallowing the variance request would be harmful to the property owner in that its denial would be to withhold a legally viable remedy to a decades old problem that seems to otherwise have no reasonably viable solution. The inability to secure creative re-use of the full building or to relegate the building to a use such as bulky retail sales would also detract from its future value as a place of diverse craft employment and service to the greater community as desired by the applicant. No public need would be served by denying this variance request and no other remedy knowingly exists to afford the owner the ability to seek the full range of commercial tenants available to other similarly zoned commercial sites; especially to those properties located in the "No Required Parking" portion of the downtown located only one block to the north. Therefore, the Planning Commission finds that this criterion has been satisfied.

- C. The variance would not be materially detrimental to the purposes of this title, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy;

Finding: The applicant, by way of this variance request, is proposing to remedy a long standing, and somewhat unsafe, parking situation that has existed along the SE 1<sup>st</sup> Street frontage of this site for decades. Additionally, the applicant is proposing to ensure that all on-site parking is compliant with current codes and that there is a safe accessible route for handicapped mobility provided to both the commercial uses along the front and back of the building. These efforts are materially beneficial to the purposes of this title and within the vicinity within which this property is located. As the existing state of parking at this site is legally non-conforming, since they predate the current code requirements, it is this vehicle of the requested parking variance that allows the City to require their compliance as a condition of approval of this request. Therefore, the Planning Commission finds that this criterion has been satisfied.

- D. The variance requested is the minimum variance which would alleviate the hardship.

Attachments:

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Finding: The variance requested is the minimum possible that would alleviate the hardship while providing code-compliant on-site vehicle parking opportunities. As there is no room on this site to expand parking availability, and no supportable opportunity to extend additional commercial parking use further into the adjacent R-4 (Multiple-Family Residential) zoned neighborhood to the south, the requested variance is the minimum that could be requested in order to allow continued economic viability to the site and existing building. Additionally, as noted by the applicant, employee parking can be encouraged to occur off-site without detriment to the surrounding neighborhood as indicated by relevant portions of the parking study recently initiated by the McMinnville Urban Renewal Agency that is currently underway. Therefore, the Planning Commission finds that this criterion has been satisfied.

RP:sjs

Attachments:

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**Planning Department**

231 NE Fifth Street • McMinnville, OR 97128  
 (503) 434-7311 Office • (503) 474-4955 Fax  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**Office Use Only:**

File No. VR 1-17 - Amended  
 Date Received 11-1-17  
 Fee 990.00  
 Receipt No. 17m0210  
 Received by RP

## Zoning Variance Application - Amended

**Applicant Information**

**Applicant is:**  Property Owner  Contract Buyer  Option Holder  Agent  Other \_\_\_\_\_

Applicant Name Kelly McDonald Phone 503-209-9591

Contact Name \_\_\_\_\_ Phone \_\_\_\_\_  
*(If different than above)*

Address 845 NE 5th Street, STE200

City, State, Zip McMinnville, OR 97128

Contact Email kely@granarydistrict.com

**Property Owner Information**

Property Owner Name Tempe One, LLC Phone 503-720-5577  
*(If different than above)*

Contact Name Ron Rubin Phone 503-720-5577

Address PO Box 91178

City, State, Zip Salt Lake City, UT 84109

Contact Email ronlrubin@me.com

**Site Location and Description**

*(If metes and bounds description, indicate on separate sheet)*

Property Address 802 - 826 Se 1st St, McMinnville, OR

Assessor Map No. R4 421CA01800 & 1900 Total Site Area 1.1 acres (47,784 sq ft)

Subdivision McPhillips Addition Block \_\_\_\_\_ Lot 4,5,6,7

Comprehensive Plan Designation Commercial & Residential Zoning Designation C3 and R4

Lot 1800 is zoned half C3 and half R4



Please indicate the type of variance requested:

- Lot Size Requirement \_\_\_\_\_ Reduction to \_\_\_\_\_  
 Setback – Front, Rear, Side Requirement \_\_\_\_\_ Reduction to \_\_\_\_\_  
 Other Parking \_\_\_\_\_

1. Describe the nature of the request in detail: See attached Narrative

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2. What exceptional or extraordinary circumstances apply to the property which do not apply generally to other property in the same zone or vicinity, and result from lot size or shape legally existing prior to the date of this ordinance, topography, or other circumstance over which the applicant has no control? \_\_\_\_\_

See attached Narrative

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3. What property right would be preserved by granting the variance? See attached Narrative

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4. What unnecessary hardship would be avoided by granting the variance? See attached Narrative

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5. Why won't this request be detrimental to the surrounding area? See attached Narrative

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6. Please explain how this would be the minimum variance necessary to alleviate the hardship? \_\_\_\_\_

See attached Narrative

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In addition to this completed application, the applicant must provide the following:

- A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), indicating existing and proposed buildings, dimensions, and adjacent street(s), distances from property lines, access, and any other information that would help substantiate or clarify your request.
- Payment of the applicable review fee, which can be found on the Planning Department web page.

**I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.**

*Kelly McDonald*

Applicant's Signature

31 October 2017

Date

Property Owner's Signature

Date

6. Please explain how this would be the minimum variance necessary to alleviate the hardship? \_\_\_\_\_

~~Allowing the reduction for off street parking by one half of the current requirement is sufficient to allow for the continued rehabilitation and re-leasing of spaces more fitting to the local neighborhood based upon existing lot and building size. The owner will attempt to lease spaces to businesses which have alternating hours of operation, thereby reducing total demand. It is our belief that the entire 1st Street corridor area will eventually become the type of commercial transition area with pedestrian friendly uses such as is being attempted on this property and will not be required to conform with the Hwy 99 large box commercial standard that now exists.~~

In addition to this completed application, the applicant must provide the following:

- A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), indicating existing and proposed buildings, dimensions, and adjacent street(s), distances from property lines, access, and any other information that would help substantiate or clarify your request.
- Payment of the applicable review fee, which can be found on the Planning Department web page.

**I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.**

DocuSigned by:  
  
\_\_\_\_\_  
Applicant's Signature

Oct-05-2017 | 7:24 AM PDT  
\_\_\_\_\_  
Date

DocuSigned by:  
  
\_\_\_\_\_  
Property Owner's Signature

Oct-05-2017 | 5:12 AM MDT  
\_\_\_\_\_  
Date

# SUBMITTED TO CITY OF McMinnville PLANNING DEPARTMENT

This is a request for approval of a variance to reduce the number of required off-street vehicle parking spaces for an existing commercial building from one hundred five (105) to forty-two (42) spaces).

Location: The subject property is at 814 SE 1st Street, in McMinnville, Oregon. It is a 18,500 square foot Commercial Building originally built in 1949 (12,500 sq ft) and subsequently expanded in 1978 (6,000 sq ft). It is located on the east side of the railroad tracks on the south side of first street in McMinnville, Oregon, and is more specifically described as Tax Lot R4421CA1800 & Tax Lot R4421CA1900

Zoning: C-3, General Commercial and R4 – Multifamily residential (lot 1800 is split zoned)

Applicant: Kelly McDonald on behalf of owner Ron Rubin.

## SUBJECT SITE

The subject Commercial Building occupies the site. To the North, across 1st Street, is the newly constructed Yamhill County Transit Center (zoned C3). To the east is a residence facing first street that is zoned C3. There are two additional lots to the east at the mid and southern ends also residential and zoned C3 and R4 respectively. The southern edge of the site is bordered by Washington Street with R4 Residential zoning. The SW corner of the site is zone R4 and has a residence. The western edge is bordered by the Portland and Western Railroad.

The subject site and all parcels facing 1st street are zoned C-3 (General Commercial). The comprehensive plan designation of the subject site, as well as that of the rest of the block, is a combination of Commercial and Residential. Total square footage of the existing commercial building is 18,500 sf. The requirement for parking for proposed mixed uses is as follows: ### x ### =

## NARRATIVE

The subject building was constructed in 1949 and expanded in 1971. Tax assessor records show that the building was historically used for "50% store and 50% warehouse". Over the years, more of the building was used for commercial/retail purposes as the area became more commercialized.

The applicant purchased the property in 2016 and is proposing to remodel the existing building for additional commercial/retail types of uses. In its current configuration there are 13 different units that range in uses from light industrial to retail. The intent of the owner is to create a mix of artisan craft spaces, retail food & beverage, tasting rooms and other complimentary and compatible uses.

This development is intended to provide commercial opportunities to business people and to boost the downtown McMinnville commercial vitality. Due to the physical characteristics of the site, it is virtually impossible to provide more than forty-two (42) proposed parking spaces. Therefore, the applicant is requesting approval of a variance allowing a reduction in the number of required vehicle parking spaces for this development from approximately one hundred five (105) to forty-two (42) parking spaces. The current parking study being conducted by the city of McMinnville supports extra capacity of off street parking in the immediate vicinity of the site. (see attachments). McMinnville's downtown reduced parking area falls just to the NW of the subject site and is reflective that in any city, it is an expectation that people routinely walk to their destination and not always rely on parking next to an established business. Our request is not for a zero requirement of off street but a reduction in off street given the proximity to the downtown core commercial area.

#### FINDINGS OF FACT

1. The applicant is requesting approval of a variance to reduce the number of required off-street vehicle parking spaces for a proposed commercial building (from one hundred five (105) to forty-two (42) parking spaces).
2. The site is located at 814 NE 1st Street, and is more specifically described as Tax Lot R4421CA1800 & Tax Lot R4421CA1900.
3. The subject property is currently zoned C-3 (General Commercial) and R4 Multi-Family Residential, and is designated as Commercial and Residential on the McMinnville Comprehensive Plan Map.
4. Sanitary sewer and municipal water and power are all available to the site.
5. The provisions of the McMinnville Zoning Ordinance (No. 3380) applicable to this request are as follows:

#### 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."

#### Off-Street Parking and Loading:

17. 60. 060(C)(4) Barber shop and beauty parlor
17. 60. 060(C)(7) Dance hall, skating rink, pool or billiard parlor, and similar commercial recreational uses without fixed seating
17. 60. 060(C)(9) Establishments for sale and consumption on the premises of beverages, food, or refreshments
17. 60. 060(C)(17) Professional office (non-medical or dental)



17. 60. 060(C)(18) Retail store, except as otherwise specified in this section

17. 60.100 Reduced requirements for certain area. 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

Variance Criteria:

17. 74.110 (Circumstances/or granting a variance) "A variance may be granted only in the event that the following circumstances substantially exist:

- A. Exceptional or extraordinary circumstances apply to the property, which do not apply generally, to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of the ordinance codified in this title, topography, or other circumstance over which the applicant has no control;
- B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess;
- C. The variance would not be materially detrimental to the purpose of this title, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any City plan or policy;
- D. The variance requested is the minimum variance, which would alleviate the hardship.

#### CONCLUSIONARY JUSTIFICATIONS

1. Section 17.03.020 Purpose:

The request satisfies this requirement in that the commercial development on this site, which is in McMinnville's Business District and next to Yamhill County Government Agencies, promotes appropriate, efficient, and orderly physical development in the city. This proposal, and subsequent development, would continue a cohesive pattern of land uses and provide for a workable relationship between the proposed land use and the adjacent and surrounding street system. Competent administration of state and local building codes and adequate utility provision promote the public health, safety, convenience, and general welfare of the community.

2. The subject request complies with the requirements of Variance Criteria listed in Section 17 4.110 of the McMinnville Zoning Ordinance in that:

- (A) The extraordinary circumstance is that the existing building was constructed in 1949, and at the time, no one could have anticipated the growth of traffic and automobile industry. The subject building is in an area of other commercial uses, all built decades ago. The density of buildings in the vicinity and adjacent railroad tracks physically prevent any further development of the subject parcel. The current zoning and parking design criteria prohibit more than forty two (42) parking spaces. This finding does not directly address physical uniqueness of the site (e.g., slope, topography, etc.) that is referenced in this criterion. Rather, the finding speaks to the unique or exceptional needs of the business opportunities this development is proposed to serve.
- (B) The variance is necessary for the ability to provide commercial opportunities on this site that are in harmony with the other commercial uses within this business district. The main

reason in requiring the provision of onsite parking spaces is for each development to have the ability to accommodate the anticipated parking needs of the occupants and their clientele. While this is relevant to large box stores on the commercial Hwy 99 corridor, it is not typical in a high density commercial core. In this case, requiring the applicant to provide the standard number of parking spaces for this proposed development would burden this project, in that requiring the provision of more than forty-two parking stalls on this site would result in demolition of an existing building and the infrastructure and constructing a smaller building envelope and reduce the square footage of any future valuable retail space that could be constructed on this site. This action would force a reduction in needed commercial space the applicant is attempting to provide for the surrounding neighborhood and the proposition would be financially prohibitive to the applicant. No public interest would be served by denying this variance request. There are mitigating circumstances that exist in the immediate vicinity. The parking study being conducted by the city of McMinnville has identified the area immediately around the site as having excess capacity on street capacity.

- (C) Approval of this variance request would not be materially detrimental, as it would support Plan Policies regarding Commercial Development allowing and encouraging the development of commercial opportunities in a commercial zone in the McMinnville downtown area. Established businesses around the 1<sup>st</sup> street corridor are a valuable asset to the City and the County. Approval of this request would not conflict with the objectives of any city plan or policy regarding transportation in that, a large and easily accessible supply of parking tends to promote single occupancy vehicle driving, whereas expensive or less available parking, supply tends to lower driving rates. In keeping with the City's Transportation plan policies, the proposed variance, would serve to keep the overall parking supply limited in an effort to reduce driving, and promoting use of public transportation, but not so limited as to create a parking problem on streets that may spill over into the adjoining neighborhood so as to be detrimental to the surrounding neighborhood. Thus, the granting of the variance is fully consistent with adopted City policies and will promote public welfare. However, without this variance, the proposed building would have to stay partially empty and deteriorate into a dilapidated structure, which would be detrimental to the surrounding properties.
  
- (D) The variance requested is the minimum possible that would alleviate the hardship while still providing a significant amount of onsite vehicle parking opportunities for those visiting the site, and with excess street parking as identified in the current city parking study, employee parking can be moved off site without detriment to the surrounding neighborhoods.











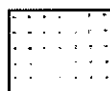
**17.60.090 Requirements for uses not listed.** The parking space requirements for buildings and uses not set forth herein shall be determined by the Planning Director, and such determination shall be based upon the requirements for the most comparable building or use specified herein. All decisions made by the Planning Director may be appealed to the Planning Commission. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

**17.60.100 Reduced requirements for certain area.** 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).

### REDUCED PARKING REQUIREMENTS



No Required  
Parking



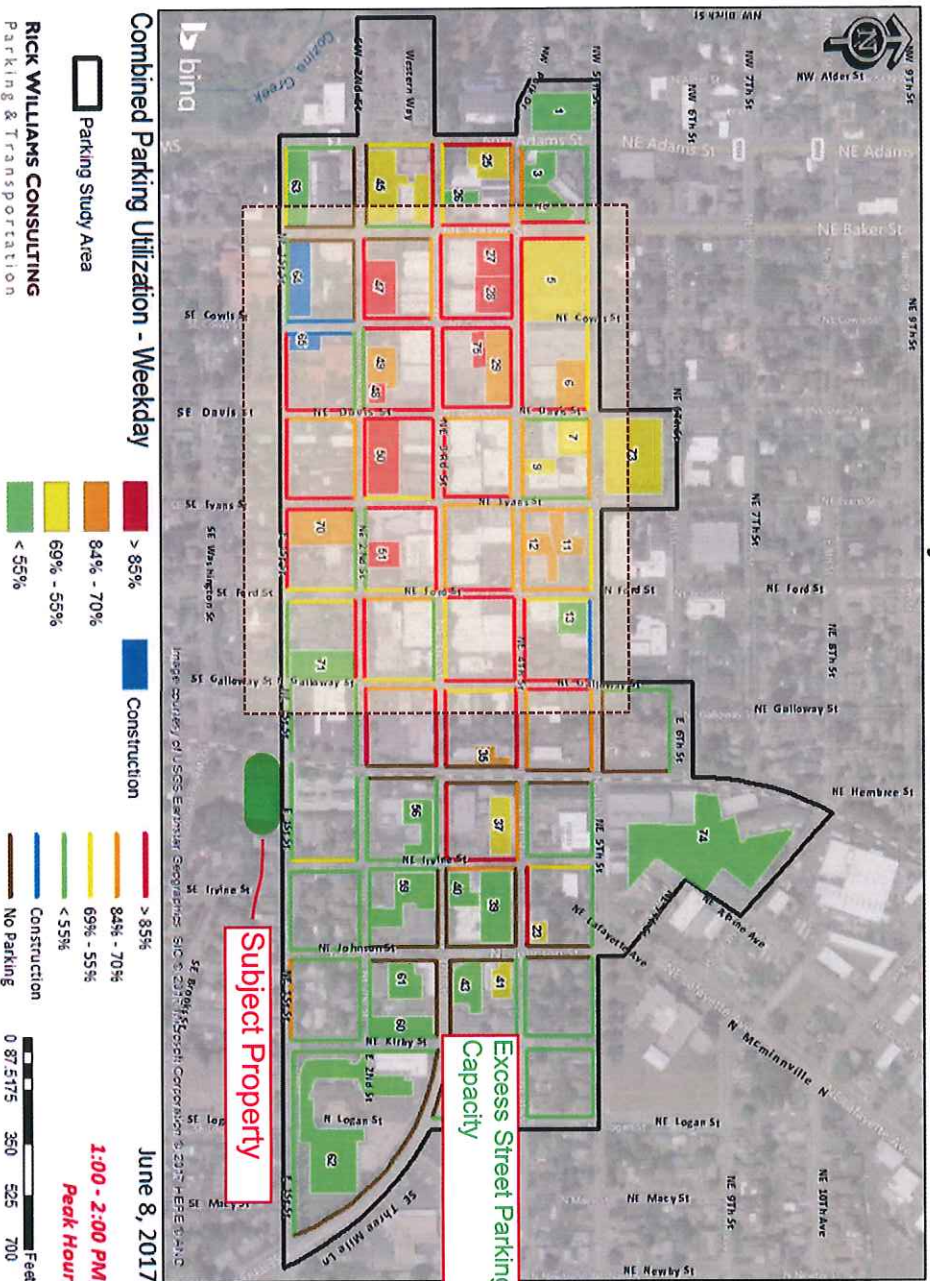
One-Half Required  
Parking

(Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

**17.60.110 More than one use per structure.** In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

# Study Area Heat Map (Thursday Peak Hour)

City of McMinnville

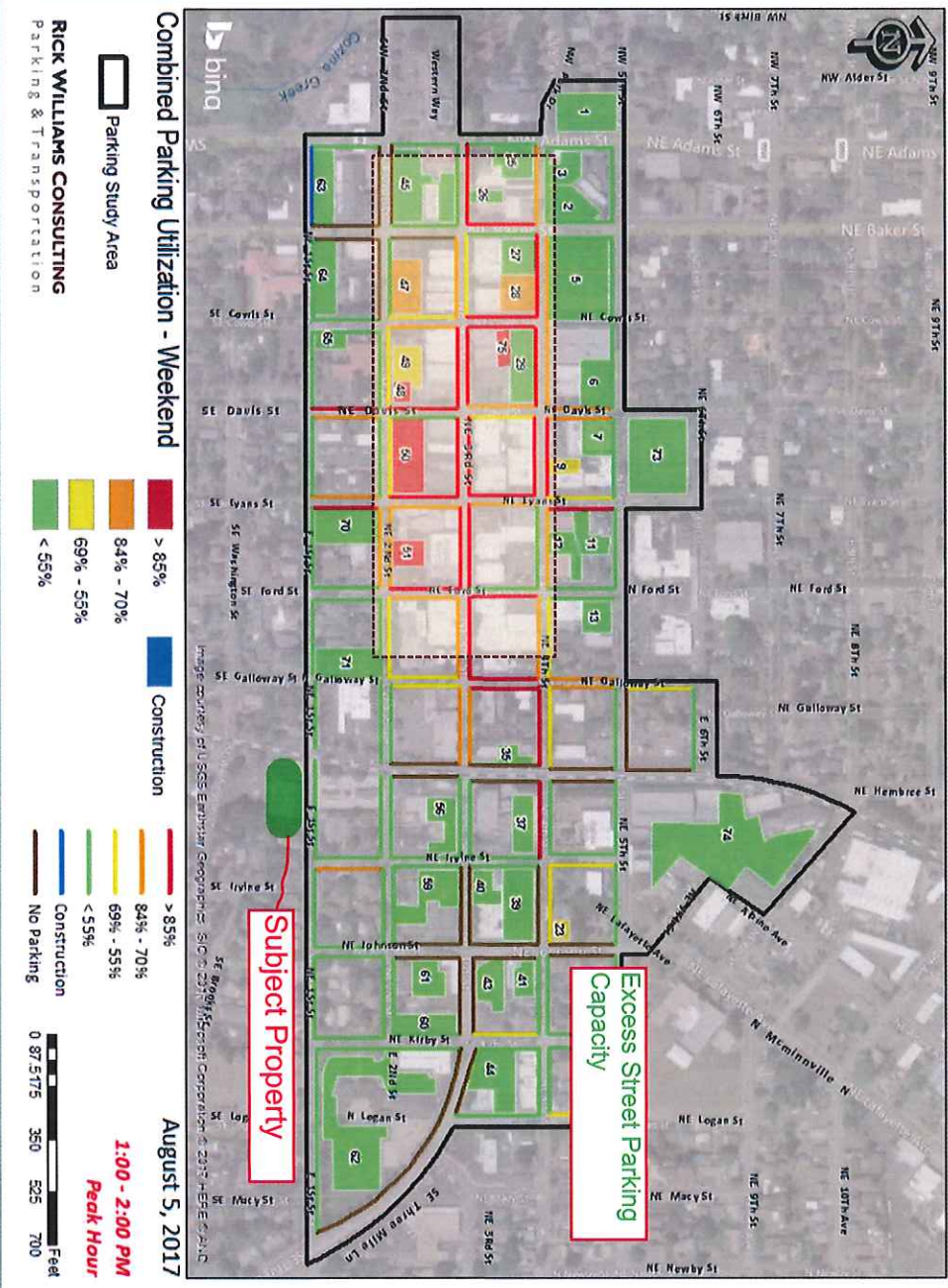


- Note shaded area and “hot’ block faces”
- West end of DT much more robust than east end.
- We will do further analysis for this “high occupancy node.”



# Study Area Heat Map (Saturday Peak Hour)

City of McMinnville

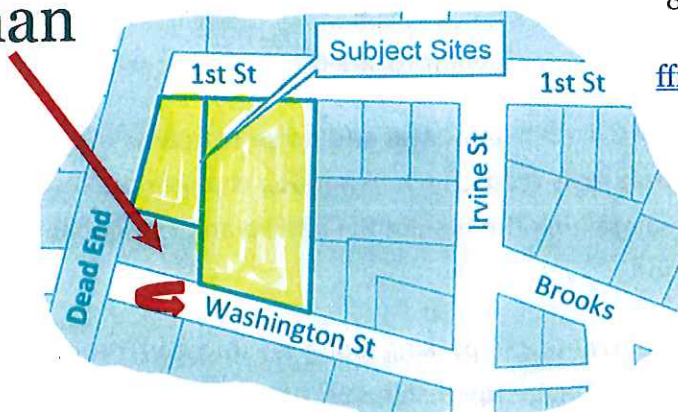


- Note smaller shaded area for “hot” block faces”
- Significant supply availability (on and off-street)

# Fred & Susan Freeman

807 SE Washington Street  
McMinnville, OR 97128  
[ffreeman917@frontier.com](mailto:ffreeman917@frontier.com)  
503-547-3722

12/4/17



Dear Heather Richards,  
Planning Director, **RE Docket Number VR-1-17**

We own and have lived next to the "Subject Sites" since 2010. The properties in question surround our home on two sides and we are directly affected by the traffic load and the traffic patterns of the business' that operate at that location.

Our concerns have many facets which need to be discussed and considered as part of the hearing process.

- 1) Washington Street, which borders our property and the "Subject Sites" has no exit! Currently our dead-end street has **minimal firetruck and safety access**. Large vehicles such as trucks cannot easily turn around in front of or near the property. Non-resident, smaller vehicles constantly turnaround in our neighborhood driveways. Reduced and poor parking access will make this issue worse. Additional traffic and parking along Washington will change the nature on the area and if poorly done could present a public access hazard. **Has a study been done?**
- 2) There are several **noise and personal concerns** we have regarding changes caused by traffic patterns in the area and by the types of business that surround our property. Currently individuals in their vehicles turn on their headlights, honk their horns, raise their voices, and play loud music just 10' from our bedroom. An increase in the noise and confusion created by more congestion in the parking lot will be





detrimental to our quality of life, our privacy, and our peace of mind. In the past we have had individuals running their vehicles into our adjoining fence to the extent the fence was damaged and collapsing at several critical points. We don't want to see this parking problem return.

- 3) There are several **environmental and noise concerns** regarding traffic patterns, potentially created when parking changes are made, that are critical to maintaining the residential nature and tranquility of the neighborhood.

Any additional traffic and parking along Washington Street from parking overflow would change the residential nature on the area and if improperly designed will represent a reduction in our quality of life.

The turn at the corner of Irvine and Washington cannot sustain additional traffic, it's already dangerous! There have been traffic incidents.

Properties across from Washington currently represent a virtual wildlife habitat for deer, birds and other animals. Has any consideration been made for the change in parking created traffic patterns that may affect the area?

- 4) Drainage patterns off the property along and onto Washington Street is already problematic. Water from the parking lot run-off makes the lower portion of the "Subject Sites" a virtual swamp during the rainy season and creates a lake along Washington Street during heavy rains. The city in recent years removed a drain on the street that exacerbated this problem. Secondly, has an environmental spill study been done when or if business on the property has a spill? **Is there a written emergency spill and cleanup response plan available from this company and the business's that operate at these locations?**

Regards,

Fred & Sue Freeman







Subject Site Docket # VR-1-17 Lower Lot Area



# Side Yard Below Parking Lot





# Secret Garden Next to Parking





# Flower Bed Next to Subject Site





# Deck Next to House Below Parking





# Painted & Refurbished House





# Back of Garage and Pond





# Garage and House and Driveway





# Camera Pod Birdhouse



**Ron Pomeroy**

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**From:** kelly@mcdonald-properties.com  
**Sent:** Friday, December 8, 2017 5:07 PM  
**To:** Ron Pomeroy  
**Subject:** modification to application

Ron,

Please attach this addendum to our application for a parking variance at 826 1st Street.

Upon further discussions with city staff it has been brought to our attention that the 6 parking stalls on the 1<sup>st</sup> Street frontage of the building (North) do not meet current standards and cannot be included in our calculation of available off street parking spaces for future uses. Further, there are two stalls on the South side of the building that must be eliminated from our calculation due to use of existing overhead doors for unloading. The remaining overhead doors on the South Side of the building will remain for architectural purposes but are not used for loading/unloading access.

The owner proposes to install handicap accessible spaces on the South side of the building as well. This will require the reduction of 2 spaces to accommodate the extra size of the ADA stalls. The owner will then work with city staff to designate an accessible route to both the North and South facing businesses that is acceptable to the building department.

With these adjustments, our total available off street parking space number needs to be adjusted from 42, down to 32. We believe that all remaining parking stalls meet city requirements and can be utilized for parking for future uses.

Lastly, in review of our calculation for the number of parking spaces required for the proposed uses, we need to modify the number to 106 spaces as our calculation for 1,000 sq ft of storage space used industrial zoning calculations vs the C-3 calculation.

So in summary, the modification to our original application is for approval of a reduced requirement of off street parking spaces from 106 to the available 32.

Kind Regards,  
Kelly McDonald



*Engineering*  
*Don*

ORDINANCE NO. 4571

An Ordinance pertaining to driveways, including information regarding permit requirements, sidewalks crossing driveways and penalties for violations, and repealing Ordinance Nos. 3045 and 4088.

RECITALS:

The existing driveway Ordinance No. 3045 was adopted in 1962, and a portion of it was amended in 1980 by Ordinance No. 4088. As several items regarding this ordinance are not being enforced and others do not make any sense, this revised driveway ordinance is to delete those sections not enforced and to clarify the existing provisions.

THE CITY OF McMinnville ORDAINS AS FOLLOWS:

Section 1. The following revised provisions are added to the McMinnville Municipal Code:

Chapter 12.20

DRIVEWAYS

Sections:

- 12.20.010 Definitions
- 12.20.020 Permit requirements
- 12.20.030 Width--Designated
- 12.20.040 Width--Determination
- 12.20.050 Separate frontage--Method of determination
- 12.20.060 Distance between service driveways
- 12.20.070 Distance from street intersection
- 12.20.080 Variances--Issuance conditions--City Engineer authority
- 12.20.090 Sidewalks crossing driveways
- 12.20.100 Violation--Penalty

12.20.010 Definitions. For the purposes of this chapter, the following terms shall have the following meanings:

- A. "Automobile service station" means any premises used for supplying gasoline, oil, minor accessories and services for automobiles at retail, direct to consumer.
- B. "Commercial service driveway" means a driveway to serve business or commercial premises.
- C. "Frontage" means the boundary of private property abutting upon a street line.
- D. "Industrial driveway" means a driveway for business in zones adopted for industrial purposes in the McMinnville Zoning Ordinance.
- E. "Private driveway" means a driveway to serve residential premises.

F. "Service driveway" means and includes any driveway constructed, installed or maintained in or over any portion of a public street for the purpose of ingress and egress of vehicles from the street to property abutting the street.

12.20.020 Permit requirements. It is unlawful for any person, business or contractor to construct or install any service driveway across any sidewalk, parking strip or curb, or in or upon any part of any street without first obtaining a permit from the City Engineer. Any person desiring to construct or install a service driveway shall make application in writing to the City Engineer, in addition to paying permit fees as required; and such application shall state the location of the proposed service driveway, a description of the property to be served by such driveway, the kind or nature of business, if any, conducted upon such premises, the kind of material proposed to be used in the construction of such driveway, the width of the proposed driveway and such other data and information as the City Engineer may require before issuance of a permit. The fee schedule shall be established by resolution.

12.20.030 Width--Designated.

A. A service driveway for an automobile service station, drive-in restaurant or refreshment bar shall not exceed the following maximum widths:

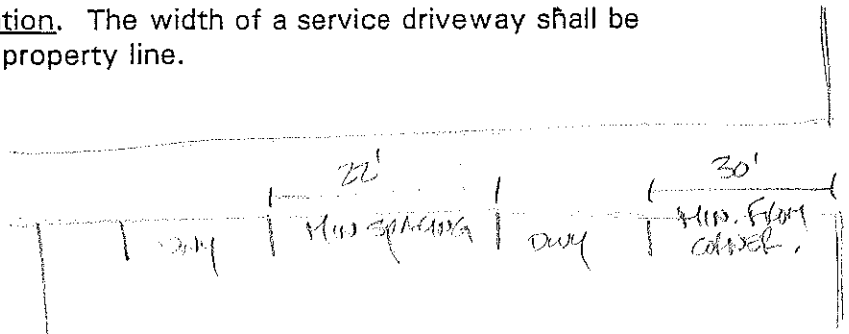
<u>Property Frontage</u>	<u>Maximum Width</u>	
	<u>One Driveway</u>	<u>Two Driveways Each</u>
Less than 16 feet	8 feet	
16 to 30 feet	50% of property frontage	
30 to 50 feet	22 feet	
Over 50 feet to 75 feet	26 feet	18 feet
Over 75 feet-- not exceeding 100 feet	30 feet	22 feet

B. A private driveway or commercial driveway, excepting as noted above, shall not exceed the following maximum width:

<u>Property Frontage</u>	<u>Maximum Width</u>
	<u>One Driveway</u>
Less than 20 feet	8 feet
Between 20 and 75 feet	Not more than 40% of frontage
Over 75 feet to 100 feet	34 feet

C. Industrial driveway width to be determined and approved by City Engineer based on use, property frontage and street widths.

12.20.040 Width--Determination. The width of a service driveway shall be determined by measurement at the property line.





12.20.050 Separate frontage--Method of determination. For any frontage in excess of one hundred (100) feet, each additional one hundred (100) feet, or fraction thereof, shall be considered as a separate frontage.

12.20.060 Distance between service driveways. Not less than twenty-two (22) feet of straight curb must separate service driveways on premises under one ownership.

12.20.070 Distance from street intersection. In case the service driveway is constructed or installed on a corner lot, such driveway shall not be built closer than thirty (30) feet from the point of intersection of the two curb lines projected ahead.

12.20.080 Variances--Issuance conditions--City Engineer authority. In case any property owner desires a service driveway of a greater width or at a variance to the provisions of this chapter, the property owner may apply for the same to the City Engineer, setting forth in the application the peculiar, exceptional or extraordinary circumstances or conditions upon which the variance is based.

A variance to the standards set forth above may be approved when one or a combination of the factors below are present and have been considered by the City Engineer:

- A. Unique traffic patterns--one-way street, industrial traffic or intensive traffic usage at particular times.
- B. Topography--of the lot being served or the configuration of the roadway adjacent to the lot.
- C. Configuration of the lot--size and shape of lot being served.
- D. Location of adjacent streets and driveways--number, angle of street to lot and number and exit characteristics of adjoining lots.

The application of the standard requirements to the lot and the weight to be given the factors to be considered when a variance may be granted shall be based upon the City Engineer's professional training and his experience in regulating traffic with the objective of obtaining the maximum safety possible to the users of the driveway and the traffic upon the abutting street.

Upon approval, the City Engineer shall issue the permit upon payment of the required fee.

12.20.090 Sidewalks crossing driveways. The sidewalk across any service driveway shall not exceed 1/4-inch fall to the foot and shall be constructed of Portland cement concrete not less than six (6) inches minimum thickness. Also, the sidewalk shall be definitely marked with lines parallel to the curb in a manner approved by the City Engineer.

12.20.100 Violation--Penalty. Any person, business or contractor violating any provision of this chapter shall be punished by a fine not exceeding two hundred dollars (\$200). Trial shall be before the Municipal Court without a jury. A decision of the Court is final and no appeal may be taken.

Section 2. Ordinance Nos. 3045 and 4088 are hereby repealed.


Section 3. That this ordinance shall be subject to the terms and conditions of Ordinance No. 3823, entitled "Initiative and Referendum," for a period of thirty (30) days.

Passed by the Council this 13th day of September 1994 by the following votes:

Ayes: Kirchner, Massey, Olson, Payne, Tomcho, Windle

Nays: \_\_\_\_\_

Approved this 13<sup>th</sup> day of September 1994.

  
\_\_\_\_\_  
MAYOR

Attest:

  
\_\_\_\_\_  
RECORDER PRO TEM