



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

503-434-7311

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 COMMERCIALLY 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 1st 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 2nd 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

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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.

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

Date: 12-27-2017

Planning Department: 
Heather Richards, Planning Director

Date: 12-27-2017

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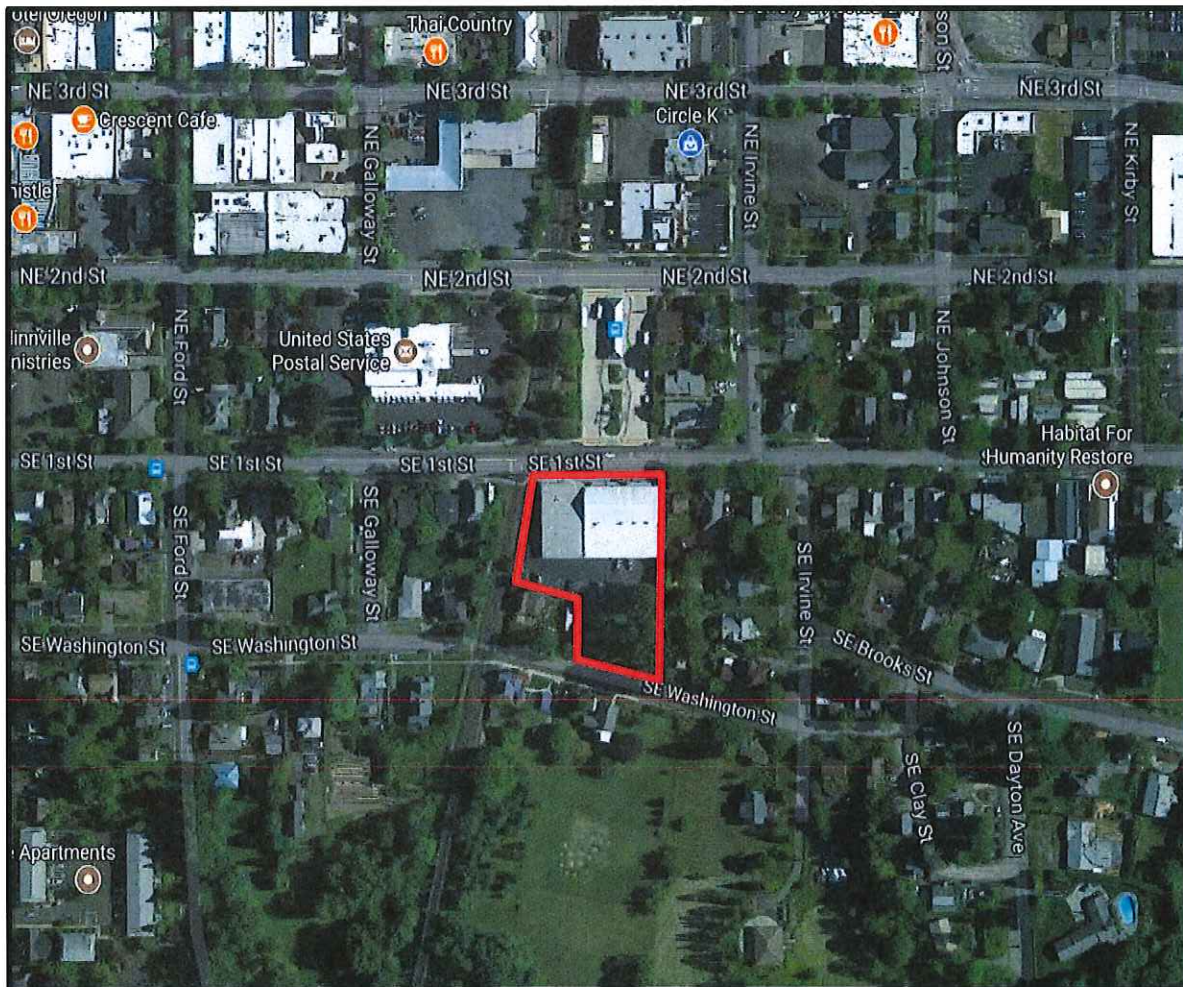
APPLICATION SUMMARY:

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.

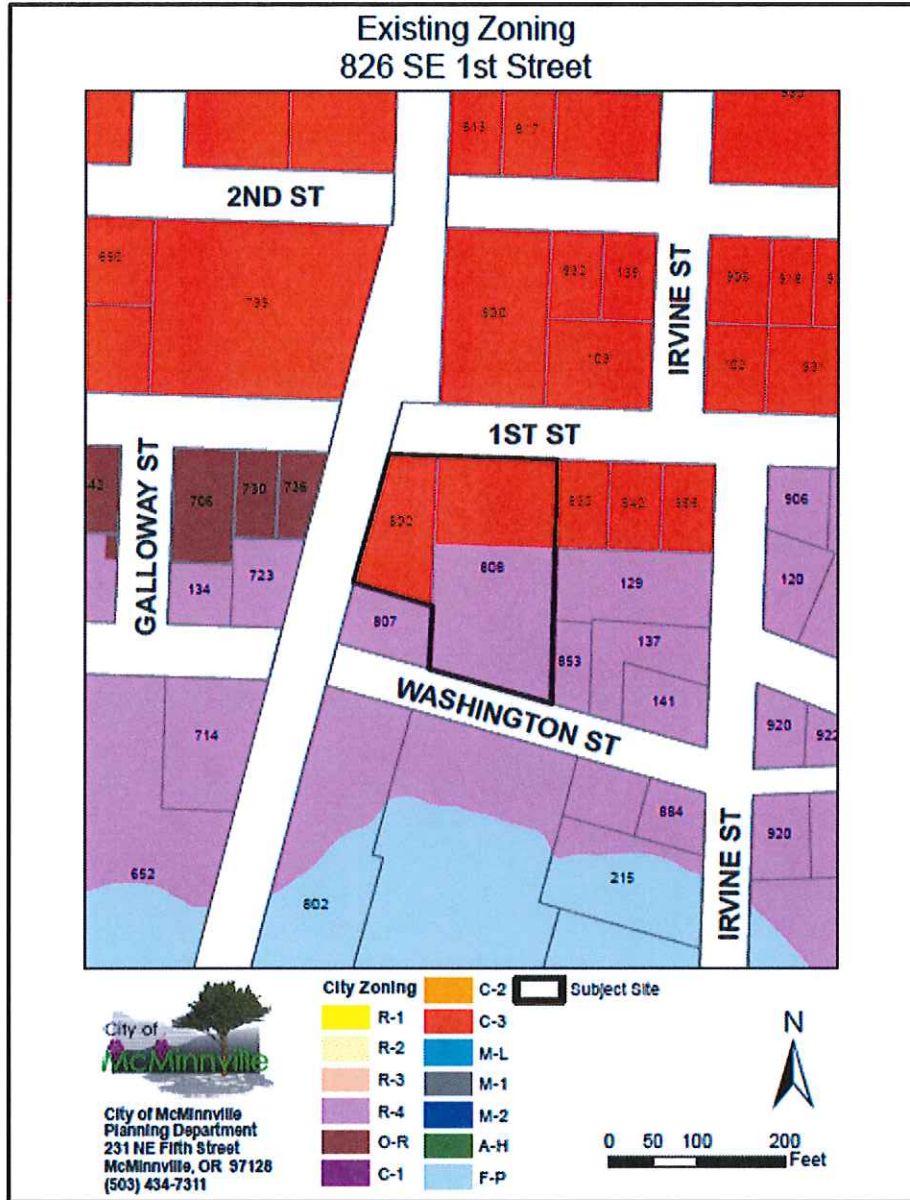
The subject site is located at 826 SE 1st Street and is more specifically described as Tax Lots 1800 and 1900, Section 21CA, T.4 S., R. 4 W., W.M. North of the site, across SE 1st Street, is located the McMinnville Public Transit Mall on land zoned C-3. Located one block north of this site is the southern 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:



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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.

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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 1st 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
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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 1st 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.

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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 1st 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.

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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 1st 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.

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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 1st 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.

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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

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