



City of McMinnville
Planning Department
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EXHIBIT 3 - STAFF REPORT

DATE: August 16, 2018
TO: McMinnville Planning Commission
FROM: Jamie Fleckenstein, Associate Planner
SUBJECT: VR 1-18: Variance – 103-114 NE Irvine Street

Report in Brief:

The applicant has requested a variance to reduce the existing required number of off-street parking spaces on a commercially zoned property from six (6) parking spaces to five (5) parking spaces. The subject site is located at 103-115 NE Irvine Street and is more specifically described as Tax Lot 9300, Section 21BD, T. 4 S., R. 4 W., W.M. In 1990, the Planning Commission approved a parking variance for the property that reduced the required number of parking spaces from nine (9) spaces to six (6) spaces. Now the applicant is requesting a second parking variance from the six (6) spaces approved to five (5) spaces for a Social Relief Facility.

Background:

This is an existing property built prior to the McMinnville Zoning Ordinance, with a multi-family housing development and six (6) parking spaces located in the C3 zone. The subject site is currently developed as a Social Relief Facility with six (6) 1 to 2 bedroom apartments and a 375 square foot office space providing supportive housing to individuals with chronic mental health and very low incomes. In 1990, the McMinnville Planning Commission approved a parking variance on the property for a Social Relief Facility reducing the required parking from nine (9) spaces to six (6). (Docket VR 1-90 – Variance). The basis for this original variance decision was that the residents of the Social Relief Facility did not all operate vehicles. Now the applicant would like to add one more dwelling unit to the Social Relief Facility and reduce the required parking to five (5) spaces.

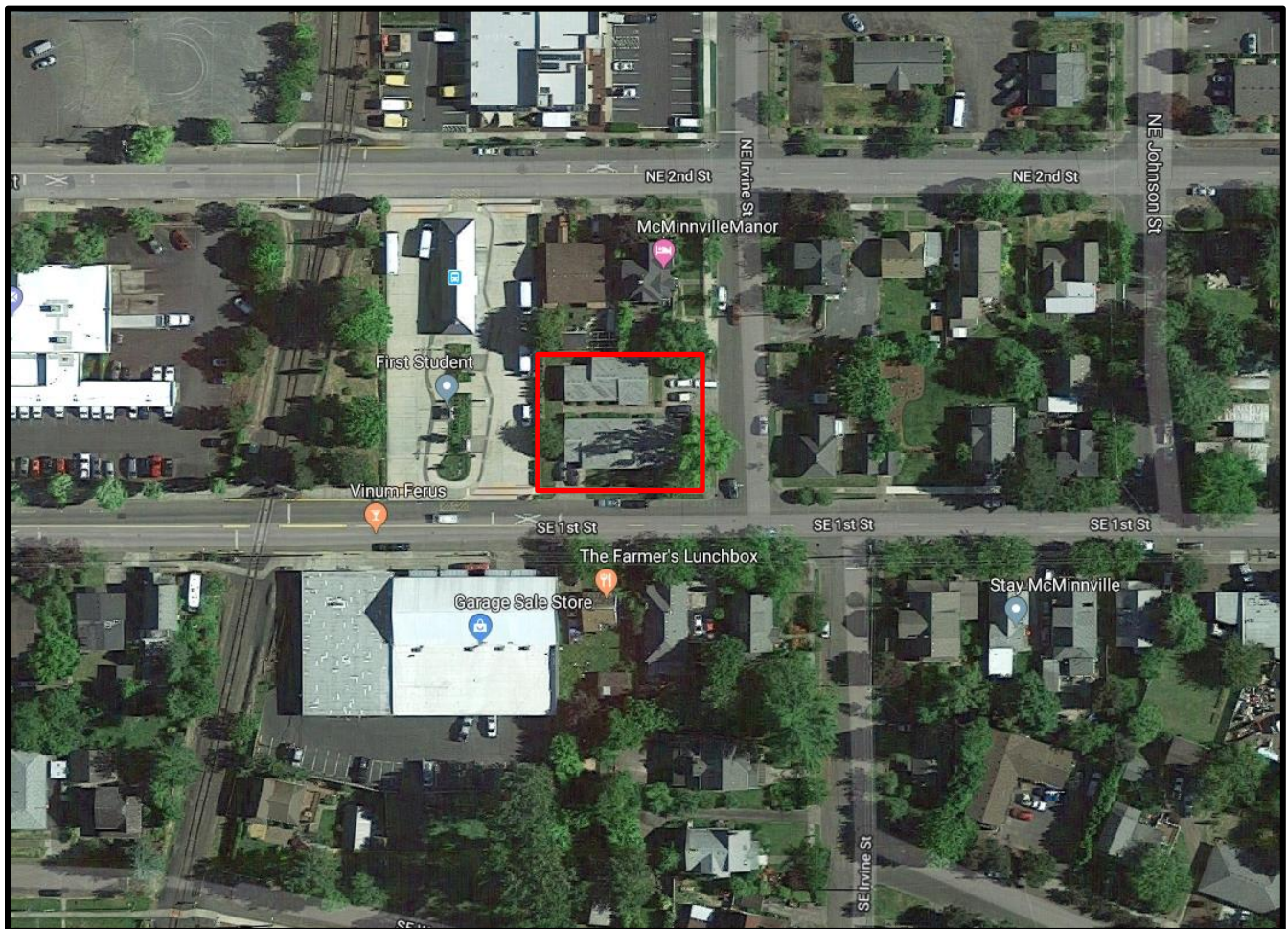
The owner of this building intends to divide a two bedroom apartment into a one bedroom apartment and a studio apartment to be able to provide an additional dwelling unit to the target population. The existing office space will be expanded to 419 square feet and remodeled to consolidate functions for convenience, visibility, and more secure access. An accessible employee toilet room will be provided as a result of the remodel. The proposed remodel will also revise the existing parking layout. The six (6) existing standard off-street parking spaces will be revised to four (4) standard spaces and one (1) accessible van space with an adjacent accessible route to the apartments, for a new total of five (5) off-street parking spaces. When applying current parking standards to the proposed remodel, nine (9) parking spaces are required. However, the site has a current approved parking variance for six (6) parking spaces. As no additional space is available on the site for more off-street parking, the applicant is seeking an additional parking variance to reduce the required number of parking spaces to five (5) parking spaces to allow the remodel of the building to move forward.

Attachments:

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 103-114 NE Irvine Street.

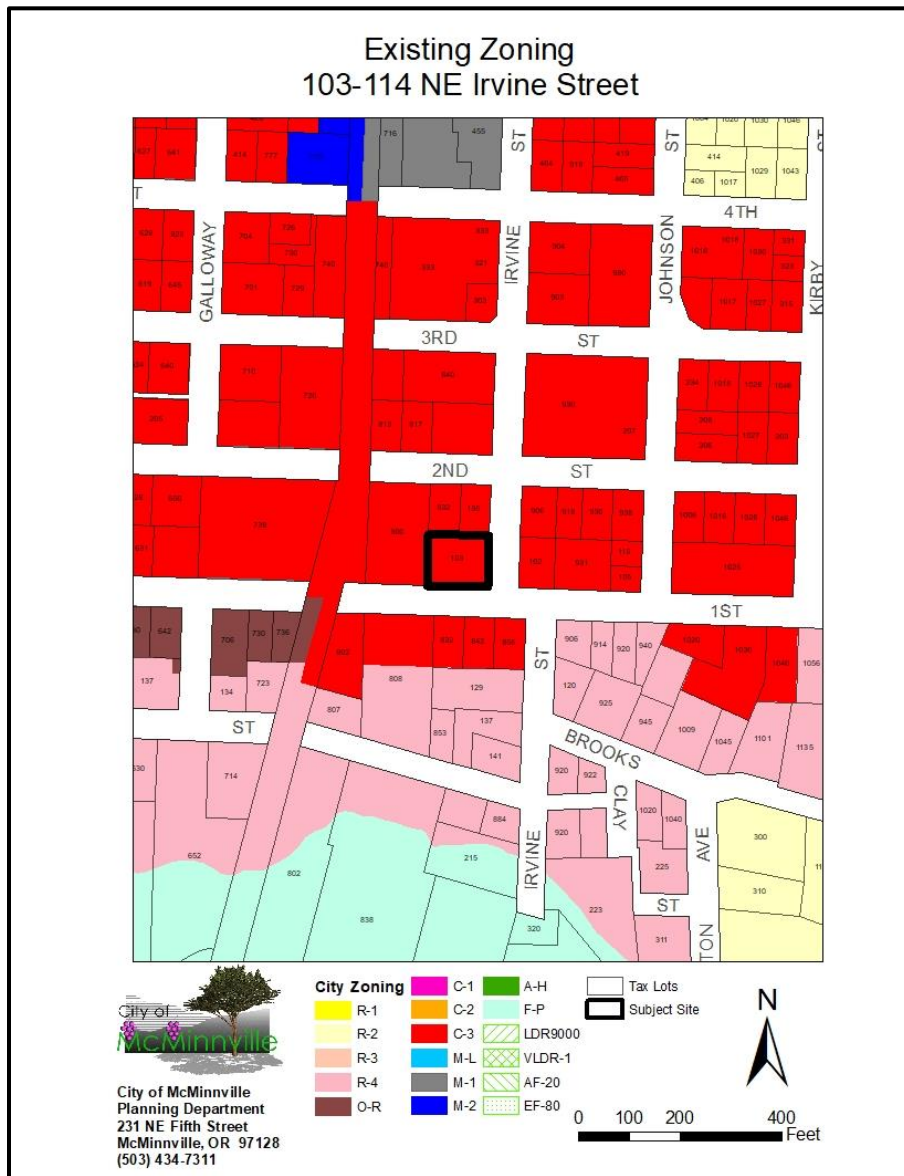
Adjacent to the site to the west is located the McMinnville Public Transit Mall on land zoned C-3. All other adjacent properties to the north, to the east across NE Irvine Street, and to the south across SE 1st Street are commercially zoned properties with single family residential structures. Located one (1) block northwest of this site is the southern boundary of the “No Required Parking” portion of McMinnville’s downtown.

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



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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 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

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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

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;

The site was fully developed prior to the adoption of the McMinnville Zoning Ordinance to the extent that the applicable building setbacks allowed. The original development has six (6) 1 to 2 bedroom apartments and a 375 s.f. office, and six (6) off-street parking spaces. When applying current parking requirements based on use and square footage, eight parking spaces would be required (1 per dwelling unit, and 1 space per 300 s.f. of office space). The existing parking does meet current requirements, but is approved through docket VR 1-90. Because the site is fully developed within the setbacks, there is no opportunity for expansion of the parking to meet the requirements of the planned remodel. Following the interior remodel to 7 apartments and a 419 s.f. office, nine parking spaces would be required (1 per dwelling unit, and 1 space per 300 s.f. of office space). The applicant has requested that the Planning Commission recognize the unusual predicament currently limiting the 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;

The applicant notes that granting this variance will allow Yamhill County Housing Authority and Yamhill County Health and Human Services to continue to provide supportive housing to individuals with chronic mental illness. The variance is necessary for the preservation of the property right to pursue full utilization of this existing social relief facility with uses and facilities more appropriate for the population being served than those realized when the building was first constructed (prior to adoption of the McMinnville Zoning Ordinance). 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 tenants. 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 maximize the square footage of the buildings to better serve a population in need would deny a 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 work within the existing footprint to increase services to a population in need. 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;

The applicant notes that the proposed additional dwelling unit is a modification to the existing use of the site, and is not expected to affect traffic or daily trip counts to the site. Emily Piper, YCHHS Community Support Services Manager, states "Based on a recent YCHHS review of current residents placed within three facilities in McMinnville which provide supported housing to individuals with chronic mental illness, I have estimated that approximately 15% of the population has an active driver's license or access to use

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of a car.” At this rate, it could be projected that 1 of 7 residents in this facility has an active driver’s license or access to use of a car that would utilize on of the five proposed off-street parking spaces. The applicant further claims that the existing off-street parking is generally used by vehicles marked as Housing Authority of Yamhill County or Yamhill County Health and Human Services, and on occasion there is a personal vehicle or accessible transport vehicle using the off-street parking. The applicant also notes that the proposed additional dwelling unit that this parking variance would lead to is accessed from an existing walkway interior to the site.

The applicant, by way of this variance request, is also proposing modification of on-site parking to ensure it is compliant with current codes and that there is a safe accessible route for handicapped mobility provided to the residential apartments. 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.

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. Additionally, employee/staff parking can be encouraged to occur off-site without detriment to the surrounding neighborhood as indicated by relevant portions of the parking study recently conducted by the McMinnville Urban Renewal Agency. Therefore, the Planning Commission finds that this criterion has been satisfied.

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 approval of VR 1-18, subject to the following conditions:

1. That the reduced parking requirements for the subject site apply only to the existing use and applicant; any future conversion of the apartment complex to that other than a Social Relief Facility shall require full compliance with City of McMinnville off-street parking requirements.
2. That the land use decision be final only after the applicant provides an approved Conditional Use Permit to allow a Social Relief Facility with six (6) or more people unrelated to the operator residing at the home at any one time, per McMinnville Zoning Ordinance Chapter 17.33.020(B)(2).

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The Planning Department recommends that the Commission make the following motion approving of VR 1-18:

THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION APPROVES VR 1-18 SUBJECT TO THE STAFF RECOMMENDED CONDITIONS OF APPROVAL.

JF:sjs

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