



City of McMinnville
Planning Department
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MINUTES

February 18, 2021
Planning Commission
Regular Meeting

6:30 pm
Zoom Online Meeting
McMinnville, Oregon

Members Present: Roger Hall, Robert Banagay, Gary Langenwalter, Sylla McClellan, Brian Randall, Beth Rankin, Lori Schanche, Dan Tucholsky, and Sidonie Winfield, Ethan Downs – Youth Liaison

Members Absent:

Staff Present: Heather Richards – Planning Director, Noelle Amaya - Communications,

1. Call to Order

Chair Hall called the meeting to order at 6:30 p.m.

2. Approval of Minutes

- September 17, 2020

Commissioner Banagay moved to approve the September 17, 2020 minutes. The motion was seconded by Commissioner Langenwalter and passed 9-0.

3. Citizen Comments

None

4. Public Hearing:

A. Quasi-Judicial Hearing: Zoning Text Amendment (ZC 2-20) and Three Mile Lane Development Review (TML 2-20)

Request: Approval to amend the Three Mile Lane Planned Development Overlay Ordinance (Ordinance No. 4131 as amended by Ordinance No. 4572) to allow additional freestanding signs for businesses that employ drive-up service within Zone 2 of the Overlay District.

Approval of a concurrent Three Mile Lane Development Review to allow for the construction of a second drive-through service lane and associated signage at a McDonald's restaurant.

Location: Zone 2 of the Three Mile Lane Plan Development Overlay District and 225 NE Norton Lane, more specifically described as Tax Lot 1602, Section 22CD, T.4 S., R 4 W., W.M.

Application: Alexander Taam, Freiheit Architecture, on behalf of McDonald's Corporation, property owner

Opening Statement: Chair Hall read the opening statement and described the application.

Disclosures: Chair Hall opened the public hearing and asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. He asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none. Chair Hall asked if any Commissioner needed to declare any contact prior to the hearing with the applicant or any party involved in the hearing or any other source of information outside of staff regarding the subject of this hearing. There was none. Chair Hall asked if any Commissioner had visited the site. If so, did they wish to discuss the visit to the site. Several members of the Commission had visited the site, but had no comments to make on the visits.

Staff Presentation: Planning Director Richards presented the staff report. This was a request for a zoning text amendment and Three Mile Lane development review. This would be an amendment of the Three Mile Lane Planned Development overlay ordinance to allow additional freestanding signs for businesses that employed drive-up service within Zone 2 of the Overlay District. She gave a history of Ordinance 4131 which was adopted in 1981. It created a PD Overlay for the Three Mile Lane area. That was amended by Ordinance 4572 which was adopted in 1994 and created three zones within the PD overlay. It also supplanted Section 4 with new development standards and Section 5 with new signage standards for the three new respective zones in the PD overlay. The proposal was to amend Section 5B of Ordinance 4572 to add a #7 element. Section 5B regulated signage on commercial and industrial properties within the Three Mile Lane Zone 2. The added language for #7 would be: allow additional freestanding signs to be permitted with businesses that employed drive-up service. One such sign, not to exceed 36 square feet in area or six feet in height, is allowed per order station. In addition, one secondary sign, a maximum of 15 square feet in area and five feet in height, is allowed per order station. Any freestanding sign that has copy facing toward a public street shall be located a minimum of 30 feet from that street's property line. Wall mount signs shall be exempt. The reason for this amendment was the language in Ordinance 4572 was dated and did not allow for modern utility of drive-thru restaurants. The proposed language was taken directly from MMC Section 17.62.070(F), Signage Chapter of the Zoning Ordinance (Development Code), which was added to the signage chapter in 2016. Chapter 17.62 did not apply to the Three Mile Lane Overlay. The Three Mile Overlay was last updated in 1994, allowed one freestanding sign per commercial or industrial property, and restricted expansion of drive-thru services reliant on signs. The review criteria was developed in accordance with MMC Section 17.72.020(G) "Other materials deemed necessary by the Planning Director to illustrate compliance with applicable review criteria, or to explain the details of the requested land use action." The proposed change was consistent with the relevant goals and policies of the McMinnville Comprehensive Plan and this code. There was a public need for a change of the kind in question. The need would be best served by changing the classification of the particular piece of property in question as compared with other available property. The proposal was consistent with Comprehensive Plan Chapter IV: Economy, purpose and policies of the Three Mile Lane Planned Development Overlay, and Planned Development Amendment criteria in Section 17.74.070. Public demand for (contactless) drive-thru services and digital ordering/pick-up had increased during the COVID-19 pandemic. The proposed text amendment allowed businesses flexibility to respond to changing public demand. Relocation of existing uses that employed drive-thru services to property outside of the Three Mile Lane Overlay District to be able to expand services with additional signage was not practical. Staff

recommended the Planning Commission recommend approval of the zone change to the City Council.

Planning Director Richards said the second request was for approval of the Three Mile Land Development Review for the addition of a second drive-thru service lane and associated signage at a McDonald's restaurant in the Three Mile Lane Overlay District. It was contingent on approval of the Zoning Text Amendment, ZC 2-20. She explained the proposed site plan. There would be two drive-thru order stations and associated signage including 2 directional signs, 1 pre-browse board per order station, and 1 menu board per order station. There would be a reduction of parking to accommodate site circulation. Right now there were 49 existing stalls, 14 were required, and with the redesign the number would be reduced to 26 stalls. They would also relocate the solid waste enclosure and the new landscape plan (L 30-20) had been approved by the Landscape Review Committee. She showed examples of the proposed signage for the gateway sign, any lane any time sign, digital menu board, and digital pre-browse board. Staff sent the application to other agencies for comments, but did not get any response back. A public comment was received from Dorothy McQueen citing concerns about increasing parking lot traffic and questioning if McDonald's was improving the fence along the north property line. Staff's response was that the northern property line of the McDonald's property had an existing mature hedge that created a solid screen in front of a solid wooden fence that appeared to be in fair condition. This met the criteria in the code. Staff recommended approval of the Three Mile Lane Development Review with the conditions outlined in the decision document. The Planning Commission would recommend approval to the City Council.

Commission Questions: Commissioner Winfield asked if technology changed and they no longer needed the pre-browse boards, would there be another design review process if they wanted to change the signs. Planning Director Richards said the criteria had to do with the size and height of the sign, but not the content. As long as the new signage met the criteria, it would not come before the Planning Commission again.

Commissioner Randall asked why the zoning amendment was limited to Zone 2 and not more throughout the Three Mile area. Planning Director Richards said that was the request.

Commissioner McClellan asked if there were limitations for noise volume. Planning Director Richards said there was noise nuisance in the Public Nuisance Code which controlled volume and how it impacted neighboring properties. It was not something in the Land Use Code.

Commissioner Tucholsky asked if this would approve the maximum height of the sign to be five feet or six feet. Planning Director Richards said it was five feet.

Commissioner Tucholsky asked how the five feet related to the signage at the McDonald's at 99W and McDaniel. Planning Director Richards said it was the same height in the general development code that applied to the rest of the City.

Commissioner Rankin asked if this would remove any area that was currently landscaped and increase paved area. Planning Director Richards responded it did change the landscaping and a revised landscape plan was reviewed by the Landscape Review Committee and met the City's criteria.

Planning Director Richards responded to questions Commissioner Rankin had sent in advance of the hearing. She had asked about the residential uses proposed on the south side of

Highway 18 that would be part of Zone 2. They would not be impacted by this text amendment because it was only applicable to drive-thru commercial. She had also asked if there was a standard threshold when drive thrus with certain types of queuing standards should migrate into a two lane situation. The applicant could answer that question. She also asked about bicycle parking, which was required, and there was a bike lane on the frontage road and there would be better bicycle and pedestrian connectivity in the updated Three Mile Lane Plan.

Commissioner Langenwalter asked about the number of required bicycle parking spaces. Planning Director Richards said it was 10% of the number of parking stalls they were required to provide, so they would need to provide 14 parking stalls and 2 bicycle parking spaces.

Planning Director Richards said Commissioner Rankin also asked about wind and seismic information and if it was reviewed by Engineering. There was a sign permit program for signs like this that required building permits and they were reviewed by Building and Engineering.

Commissioner Langenwalter was concerned about the noise and fumes, but thought with two drive up windows, it would help get cars through quicker and there would be less queuing.

Applicant's Testimony: Alexander Taam, representing the applicant, was there to answer any questions.

Commissioner Schanche asked if adding extra cars would increase the number of sales for the McDonald's. Mr. Taam said it usually did increase the revenue as it allowed for more business. The standards in designing the drive thru would allow the site to have easy access and traffic flow so it did not impede on surrounding properties or major roadways.

Commissioner Schanche asked if this restaurant was planning to be upgraded to be a large draw, especially to kids. Mr. Taam said it was based on the initiative of the owner of the specific restaurant and if there was a lot more family traffic, they could request to upgrade the play place to meet that environment.

Public Testimony:

Proponents: Linda O'Hara, McMinnville resident, owned property on Dunn Place. She did not know how this was going to work without infringing on adjacent properties, but from the presentation it sounded like they were taking out parking spaces to make it work. Chair Hall said that was correct.

Ms. O'hara said on the map there was an entry point where the cars divided to the two different ordering stations but there was only one pay window. If that was true, the cars would not be going through faster. Mr. Taam said there was a two window system, one where people paid and one where people picked up the food. They were also going to upgrade the interior of the restaurant to increase efficiencies. The whole process would come together with a more efficient system to get customers their food. There would also be waiting stalls at the end of the drive thru in case there were too many people stacking up in peak times.

Commissioner McClellan asked if the waiting stalls cut in to the available parking. Mr. Taam said no, the 26 parking spaces excluded the waiting stalls. There would be two waiting stalls that were parallel parking stalls to the left of the drive thru.

Haley (Last name is inaudible), McMinnville resident, appreciated that McDonald's was providing food in this area. The line was often backed up at this McDonald's and she was in support of putting in two ordering stations. She thought the lines would go faster and it would be good to serve more people in the area.

Opponents: Mark Davis, McMinnville resident, said this was an expansion of an existing business that would have an impact on the Three Mile Lane bypass area. One of the criteria was a public need for the change due to COVID-19, however the pandemic was not permanent and things would not be contactless forever. Another criterion was the need would be best served by changing the classification of this property instead of other property. The applicant did not indicate that other property was researched. They only wanted to do it here and he did not think that met the technical requirements of the code. He was concerned about the protection of the Three Mile Lane Planned Development Overlay District. The development would have a negative impact on traffic. He read the purpose statement of Ordinance 4131. They were trying to balance two needs, traffic to get around the City and to be able to access businesses and residences in the area. He thought they needed to be doing everything they could to protect the bypass. He had provided traffic counts on Highway 18 which showed how people were trying to pull traffic off of the highway which would bring it to a stop as they had to make left turns. Granting this would make it more likely that more requests would come in from commercial properties on Three Mile Lane. It was not in the long term best interest to slow down the bypass with traffic lights.

Commissioner Banagay asked if his objection was increased traffic flow. Mr. Davis was concerned this would set a precedent for the commercial land on Highway 18 and it would not be a bypass anymore.

Commissioner Winfield did not think this was an expansion of the business, but redirecting traffic. She asked how it would create a precedent.

Planning Director Richards explained how transportation modeling was done. A traffic impact analysis was required when there was a zone change that created a more intensive use. They looked for the highest and most impactful use as the measurement for the analysis. In terms of the highway area plan, the trigger for changing that would be a Comprehensive Plan amendment because the transportation model was based on the Comprehensive Plan designations. If the Comprehensive Plan changed, a traffic impact analysis was required. When a business came in that was an outright permitted use in a zone, they did not require an analysis because it had already been captured in the modeling. They were currently working with ODOT on a new transportation model for Three Mile Lane and per ODOT statistics all of the intersections were in good performance right now.

Commissioner Winfield clarified this would bring in the zone area so that it was equal to what the rest of McMinnville had for the sign ordinance. Planning Director Richards said yes, and it was only for Zone 2.

Rebuttal: None

Commissioner Tucholsky said the two lanes for the drive thru should decrease the time people were waiting in line and reduce noise pollution and traffic. He thought it would benefit the area. He asked about the time period for the traffic counts. Mr. Davis said the numbers were from 2019, the most recent ones that ODOT had on their website. It was the average over the year.

Chair Hall asked if the Commission wished to continue or close the hearing.

There was consensus to close the hearing. Chair Hall closed the public hearing.

The applicant waived the 7 day period for submitting final written arguments in support of the application.

Commission Deliberation: Commissioner Schanche was in support of the application.

Commissioner Rankin appreciated that the sign ordinance would only be extended to Zone 2.

Commissioner Winfield was in favor of the sign ordinance applying to this zone. She thought the precedent they were setting was to have this area consistent with the sign ordinance. She did not think it would set a precedent for increased traffic. It would decrease traffic and be a more efficient use of the land. As things did grow, there were ways to trigger traffic counts that would alleviate some of Mr. Davis' concerns.

Commissioner Langenwaller applauded the business for trying to provide more effective service to their customers. He thought it was a reasonable proposal.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Langenwaller MOVED to RECOMMEND APPROVAL to the City Council of ZC 2-20. SECONDED by Commissioner Winfield. The motion PASSED 9-0.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Schanche MOVED to RECOMMEND APPROVAL to the City Council of TML 2-20 subject to the conditions of approval provided in the decision document. SECONDED by Commissioner Rankin. The motion PASSED 9-0.

5. Commissioner Comments

None

6. Staff Comments

Planning Director Richards said they had contracted for the infrastructure analysis for middle housing. The Planning Commission would be the project advisory committee for the work. They had also contracted for Goal 5 and 7 cultural resources and natural features inventories. An archeological survey would be done as well. There was a land use application in for a Comprehensive Plan Map amendment and zone change for the industrial land to be rezoned on the south side of Highway 18 to commercial. Council had given direction to update the Transportation System Plan which would happen next fiscal year.

7. Adjournment

Chair Hall adjourned the meeting at 8:02 p.m.



Heather Richards
Secretary