



City of McMinnville
Planning Department
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MINUTES

August 16, 2018
Planning Commission
Regular Meeting

6:30 pm
McMinnville Civic Hall, 200 NE 2nd Street
McMinnville, Oregon

Members Present: Chair Roger Hall, Commissioners: Martin Chroust-Masin, Roger Lizut, Gary Langenwalter, Lori Schanche, Susan Dirks, Erin Butler, and Erica Thomas

Members Absent: Zack Geary

Staff Present: Chuck Darnell – Senior Planner, Jamie Fleckenstein – Associate Planner, Heather Richards – Planning Director, Tom Schauer – Senior Planner, and David Koch – City Attorney

1. Call to Order

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

2. Citizen Comments

None

3. Approval of Minutes

- **June 21, 2018 Work Session Minutes**
- **June 21, 2018 Planning Commission Minutes**
- **July 19, 2018 Work Session Minutes**
- **July 19, 2018 Planning Commission Minutes**

Chair Hall called for action on the Planning Commission minutes from the June 21, 2018 work session and regular meeting and from the July 19, 2018 work session and regular meeting. Commissioner Chroust-Masin MOVED to APPROVE the minutes as presented; SECONDED by Commissioner Langenwalter. Motion CARRIED 7-0, with Commissioner Lizut abstaining.

4. Public Hearing

A. **Comprehensive Plan Map Amendment & Zone Change**

1601 NE McDaniel Lane (CPA 1-18 & ZC 1-18) – Continued from the July 19, 2018 Meeting (Exhibit 2)

Request: Approval to amend the Comprehensive Plan Map designation of a property from Industrial to Residential, and to rezone the property from M-1 (Light Industrial) to R-4 (Multiple-Family Residential) to allow for development of residential uses that are permitted in the R-4 (Multiple-Family Residential) zone.

Location: The subject site is zoned M-1 (Light Industrial) and is located at 1601 NE McDaniel Lane and is more specifically described as Tax Lot 7100, Section 16DB, T.4 S., R.4 W., W.M.

Applicant: Daniel Danicic

Chair Hall opened the public hearing and read the hearing statement. He 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.

Senior Planner Darnell presented the staff report. This was a request for a Comprehensive Plan map amendment from the existing industrial designation to a residential designation and zone change from M-1 to R-4 for property on NE McDaniel Lane. He described the subject site. A concept plan was provided with the application which showed construction of apartments on the site. He reviewed the Comprehensive Plan Map amendment criteria and how the request met the goals and policies for developing affordable and quality housing for residents and providing a variety of different housing types and densities. Previous analysis was completed in the 2001 McMinnville Buildable Land Needs Analysis and Growth Management Plan and the 2013 Economic Opportunities Analysis that compared residential and industrial land in the City. Those analyses showed a surplus of industrial land and a need for additional residential land. The change in comprehensive plan map designation would not be inconsistent with the surrounding area as there was residential adjacent to the site. The area was not committed to low density development, was not subject to any development limitations, and there were no issues with utilities serving the site with the new comprehensive plan map designation.

Regarding the zone change criteria, Senior Planner Darnell explained there was a need for additional R-4 land, based on the needs identified in the 2001 McMinnville Buildable Land Needs Analysis and Growth Management Plan. The property was a quarter mile from transit service and shopping centers, however there was no park adjacent to the site. NE McDaniel was a minor collector and the applicant had provided a traffic impact analysis. This location was near low density residential, and staff recommended conditions of approval to provide a landscape buffer on the west property line and to increase setbacks based on the proposed building height. Regarding the railroad corridor, staff recommended a condition for a landscape buffer on the south property line. One additional condition was suggested, that because there was no adjacent open space, a dedicated contiguous space within the site be provided at a minimum of 10% of the site. The property was surrounded by a mixture of zones, both low and high density residential. He explained the traffic analysis that was done which showed minimal increases in delay and no increases in levels of service. Based on the traffic analysis, engineering staff found that McDaniel was a suitable access to the site. The Transportation Planning Rule analysis showed the existing zoning could produce more traffic more than the proposed zoning. It assumed the development of 24 apartments, which was less than the maximum allowable density of the property, so staff suggested a condition of approval for a trip cap. The cap would be 176 maximum average daily trips, which is the number of trips generated by the development of 24 apartments, unless an updated traffic impact analysis was provided. Testimony had been received last month. Some of the concerns were the building height, loss of privacy, increased

traffic, and noise. Staff recommended approval of the application with the conditions of approval, which addressed the comments and concerns provided during previous public testimony.

Applicant: Dan Danicic, representing the applicant, requested modification to two of the conditions. The first was to Condition #3, dedication of the 20 foot landscaping area to the south to prevent any encroachments. The concern was the trash enclosure would be within the buffer and it would have to be pulled into the site. He thought the trash enclosure in the buffer would not be a detriment as it would help with the buffering from the railroad. They currently had 45 parking spaces planned, which was more than the 36 required. Moving the trash enclosure would require removing some of the parking spaces. He wanted to provide as much parking as possible so people would not park in the nearby neighborhoods. He asked that the words, "No improvement shall encroach in the dedicated landscape area" be stricken from the condition. The second was Condition #5, the additional open space area. The code provision that spoke to having proximity to open space was one of the criteria that they should consider, but they did not have to meet. There was no open space within a quarter mile, but there was within half a mile. He was concerned about providing contiguous open space, especially since they were providing buffers on the west and south sides. This condition would be difficult to meet, and he did not think it should be required.

Commissioner Langenwaller suggested changing Condition #3 to only allow the trash enclosure in the buffer. Mr. Danicic changed the recommended language to, "No improvements shall encroach on the dedicated landscape area, with the exception of a trash enclosure."

Commissioner Dirks asked what type of apartments these would be. Mr. Danicic said there would be one bedroom apartments to accommodate college students, but the majority would be two bedroom apartments. There would be ADA accessible apartments as well. They had looked at alternatives for the configuration of the buildings to accommodate neighborhood concerns, but found that the current layout was the most efficient.

Commissioner Schanche said regarding Condition #5, they had a lot of extra parking and she asked if they would be willing to lose some of the parking in order to provide more green space. Mr. Danicic thought the current layout provided green space already. As a compromise, he suggested requiring 5% contiguous open space instead of 10%.

Commissioner Langenwaller asked if there would be low-income housing as part of the project.

There was discussion regarding changing the configuration of the site to allow for the open space.

Proponents: None

Opponents: Don Navarra, McMinnville resident, asked if this would be a two or three story apartment building. Chair Hall stated it would be a three story.

Mr. Navarra said he and his wife were opposed to the application due to the impact that the apartment buildings would have on the neighborhood. For him, it would mean the loss of morning sun and problems with a denser population, and for those abutting the property it would mean a lack of privacy. The property was located close to a commercial marijuana processing plant and railroad tracks. A one story apartment building would be more homogenous to the neighborhood.

Steve Kaer, McMinnville resident, was also concerned about losing the sun and he asked if staff could speak to that issue. He was concerned about the materials that would be used and setbacks as well.

Senior Planner Darnell stated there was nothing in the code to apply a condition to address solar access to surrounding properties. There was a policy in the Comprehensive Plan to review the design to ensure site orientation preserved the potential future utilization of solar energy. This was not a design review, but a zone change, and staff could not provide a condition related to that. The setbacks were to provide spacing between the buildings and other properties. The current zoning would allow for a maximum building height of 80 feet and the maximum building height for the proposed zone allowed for a maximum of 60 feet. There was also a condition that increased the setbacks based on the building height.

Rebuttal: Charlie Parr bought this property as an investment 20 years ago. He planned to do something with it, whether it would be an apartment complex or commercial building. This proposal was the most feasible and the best use of the property.

Chair Hall closed the public hearing.

Commissioner Schanche discussed the proposed alterations to the conditions. She thought they were putting in extra parking spaces to the detriment of needed open space. She was not in favor of changing any of the staff-suggested conditions.

Commissioner Chroust-Masin viewed the buffers as open space. Senior Planner Darnell clarified the open space would be dense evergreen trees and shrubs and fencing. Chair Hall said it would be too dense for recreation, and that there was a difference between usable open space and landscaping for buffering.

Commissioner Butler thought the trash enclosure could be allowed in the buffer. The middle school was within a quarter mile of this site and could be considered open space. She thought the zone change met the requirements, and that having the extra parking spaces would be beneficial.

Commissioner Thomas thought that the amount of parking proposed would be beneficial and would not result in cars being parked on surrounding streets.

Commissioner Langenwaller proposed a 3,000 square foot area for open space and removing some of the parking to accommodate it. Senior Planner Darnell said staff proposed 10% of the lot size as a reasonable portion of the site, but that he could look up different percentages if the Commission was interested. Senior Planner Darnell also stated that the Commission was not reviewing the concept plan as a site plan review or design review, so they did not have the ability to include conditions related to the design of the concept plan.

Commissioner Dirks was in favor of the proposal for more affordable housing and apartments in this area. She was open to a compromise, but thought there should still be a large open space. She thought it was a reasonable request to allow the trash enclosure in the buffer. She suggested capping the parking to 40 spaces.

Senior Planner Darnell stated that the Planning Commission was not able to put in that restriction at this point, as the request before the Commission was for a zone change and did not include a formal site plan review or design review.

There was consensus to change Condition #3 regarding the trash enclosure as proposed.

Commissioner Schanche was not in favor of changing the open space percentage.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Dirks MOVED to recommend Council approval of CPA 1-18 & ZC 1-18 subject to the staff recommended conditions of approval as amended. Conditions 1, 2, 4, and 6 would remain as written, Condition 3 would read, "No improvements shall encroach on the dedicated landscape area, with the exception of a trash enclosure", and Condition 5 would be changed from 10% open space to 7% or 3,048 square feet. SECONDED by Commissioner Thomas. The motion PASSED 6-1 with Commissioner Schanche opposed and Commissioner Lizut abstaining.

The applicant agreed to waive the seven day rebuttal period.

B. Variance (VR 1-18), 103-115 NE Irvine Street – (Exhibit 3)

Request: Approval of a zoning variance to reduce the required off-street parking of a Social Relief Facility following a proposed remodel from nine (9) spaces to six (6) spaces.

Location: The subject site is zoned C-3 (General Commercial) and is located at 103-115 NE Irvine Street. It is more specifically described as Tax Lot 9300, Section 21BD, T.4 S., R. 4 W., W.M.

Applicant: The Housing Authority of Yamhill County

Chair Hall opened the public hearing and read the hearing statement. He 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.

Associate Planner Fleckenstein stated notice went out for this item as a variance to reduce parking from nine spaces to six, but the application was to reduce six spaces to five. He described the subject site on NE Irvine Street. The existing use was a six unit social relief facility that provided supported housing for people with chronic mental illness and was operated by the Housing Authority of Yamhill County. This was a permitted use in the C-3 zone. Currently there were six off street parking spaces. The proposal was to convert one of the six apartments that was a two bedroom apartment to a one bedroom apartment and a studio apartment to increase the total dwelling units to 7. There would also be expansion of existing office space and addition of an accessible toilet for staff. The parking layout would also be revised to add an accessible van parking space with an adjacent accessible route to the apartments. The code required one parking space per unit and two parking spaces for the office, a total of nine spaces. The site currently had an approved parking variance for six spaces, and with the remodel, they were requesting reducing the parking from six to five spaces, four standard spaces and one accessible space. He discussed the review criteria for the variance. This site was developed prior to the adoption of the current zoning ordinance and current parking requirements were unable to be met without the variance. The variance would allow the applicant to pursue full utilization of the existing facility with uses and facilities that were more appropriate for the population that was being served now than those realized when the building was first constructed prior to the adoption of the zoning ordinance. The applicant was not proposing to change the existing use of the site. The proposal was not

expected to affect traffic or daily trips in the neighborhood as only 15% of the residents had an active driver's license or access to a car. The existing parking would be improved and made safer by adding an accessible space. The five parking spaces were the maximum available after reconfiguring the existing parking lot and there was no room for additional expansion. Additional testimony had been received from Mark Davis who was in support of the variance. Staff recommended approval of the application with conditions.

Commissioner Chroust-Masin asked if any of the residents drove. Associate Planner Fleckenstein was not aware of any who did.

Commissioner Dirks asked about service vehicles parking at this facility. Associate Planner Fleckenstein said those had been taken into account. The parking was mainly used by staff, not residents.

Applicants: Mike Jager, Maintenance and Construction Supervisor for the Housing Authority, said the Housing Authority owned the facility and County Mental Health was responsible for making sure transient mental health individuals had a place to stay. They usually only stayed for a night or two. There were other sites for longer term housing. They needed another unit due to overcrowding. There was no way to add another unit without reducing the parking.

Emily Frey, Yamhill County Mental Health, explained her staff provided on-site support for the individuals in this facility. There was a need for additional mental health support and the additional unit would allow them to serve another individual.

There was no further public testimony.

Chair Hall closed the public hearing.

Commissioner Schanche was in support of the application. The facility was in a perfect location, the proposed modifications were clever to get an extra unit, and most of the residents did not need parking.

Commissioner Chroust-Masin pointed out the facility was right next door to a transit station.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Langenwelter MOVED to approve VR 1-18 subject to the staff recommended conditions of approval. SECONDED by Commissioner Chroust-Masin. The motion CARRIED 8-0.

C. Conditional Use Permit (CU 1-18), NE 7th Avenue between NE Alpine Avenue and NE Lafayette Avenue – (Exhibit 4)

Request: Approval of a conditional use permit to allow the operation of a preschool on a C-3 PD (General Commercial Planned Development) zoned property within the Northeast Gateway District.

Location: The subject site is zoned C-3 (General Commercial) and is located off NE 7th Avenue (between NE Alpine Avenue and NE Lafayette Avenue) and is more specifically described as a portion of Tax Lot 4800, Section 21BA, T.4 S., R.4 W., W.M.

Applicant: Rhonda Thompson

Chair Hall opened the public hearing and read the hearing statement. He 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.

Associate Planner Fleckenstein presented the staff report. This was a request for a Conditional Use Permit to allow the operation of a preschool on NE 7th Avenue. He described the subject site. The zoning surrounding the site included industrial and commercial properties. He then discussed the site plan and review criteria. In the Comprehensive Plan there were goals that specifically dealt with providing the opportunity for educational facilities and to meet the growing needs of the community. The application would have to meet the NE Gateway District zoning standards which included setbacks and heights. The proposal met all of the requirements and was well below the maximum building height. The standards also required parking behind the building and an active street frontage. No vehicular areas were proposed on the site. The proposed use was civic, not commercial, and did not need to meet the 60% glazing requirement. The proposed building was oriented to the street with the primary entrance facing NE 7th Avenue. There was a covered porch that went across the front façade of the building. The primary entrance fronted NE 7th and led directly to the outside. There would be a walkway to connect the entrance to the sidewalk. There was a list of materials that were permitted on street facing facades and the proposal met those requirements. The structure would also have regularly spaced and shaped windows and there would be planter boxes below the windows as architectural features. This was civic/private school use and would be 360 square feet, which did not require off-street parking. Regarding signage, the applicant had not provided details of signage for the preschool and staff recommended a condition of approval that the applicant get approval for any signage before it was installed. Landscaping was to be provided and lighting was to be pointed down or toward the intended target, not skyward. The applicant stated the existing landscaping would be retained and additional landscaping would be added to the front for school activities. A landscape plan would be required to be submitted and reviewed by the Landscape Review Committee. The proposal met the goal of the NE Gateway District, which was to transition from industrial to pedestrian friendly mixed use. The scale of the proposed development transitioned the nearby larger buildings and parking areas to a pedestrian scale. The operating characteristics of the proposed preschool closely resembled the daycare use which was a permitted use in this zone. The preschool would have fewer students than the daycare use and the hours of operation for the preschool would be less. Parents would drop off and pick up the students either by car or by walking. The site was currently undeveloped and was often used as a camp for the transient population. A neighboring property owner was in support of this proposal due to the activation of the space and the maintenance that would be provided. It would create a safer and more pedestrian friendly environment. There were existing utilities on the site from the prior development that had been demolished. No off street parking was required and traffic impacts were negligible. The scheduled drop off and pick up times would not be overly impactful on the neighborhood. The proposed development was compatible with the developments in the NE Gateway District and it would meet the applicable design and materials of the NE Gateway District making it compatible with any future developments in the area. The proposal would preserve the existing vegetation on the site and get it back to a more functional and aesthetically pleasing condition. The applicant had the cooperation of the property owner for a lease agreement for the preschool. The applicant was a long time resident of McMinnville and wanted to be part of the NE Gateway District revitalization. The demand for preschool facilities had grown and the applicant would like to help meet the need. Staff recommended approval of the application with conditions.

Commissioner Schanche said there were no sidewalks by the facility. Was the applicant planning to install sidewalks? Associate Planner Fleckenstein thought there was a sidewalk, but debris was covering it.

Commissioner Schanche said there were no standards for play areas and thought they should be added in the future. This site plan was lacking in play areas.

Commissioner Dirks asked about schools being nearby breweries and wine tasting rooms. It was clarified that another preschool was nearby.

Commissioner Dirks thought the district's maximum signage allowed was too large for a pedestrian area.

Applicant: Rhonda Thompson had not realized the signage was not included in the application. She explained how the signage would go on the door of the building and what it would look like. There would be no free standing signs. Regarding places for the children to play, she had thought about that but did not know she had to specify that on the plan. There was space behind the building for the kids to be outside.

Commissioner Langenwaller asked about traffic from parents dropping off and picking up children. Ms. Thompson said the drop off and pick up were not all at the same time. She did not think it would be a problem.

Commissioner Chroust-Masin asked if she had planned for expansion in the future. Ms. Thompson had not wanted a large building. She was looking for something small and quaint. She thought it would add to the community and the kids would benefit from a smaller facility.

Commissioner Dirks clarified there would be landscaping between this facility and the concrete pad parking lot.

There was no further public testimony.

Chair Hall closed the public hearing.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Chroust-Masin MOVED to approve CU 1-18 subject to the staff recommended conditions of approval. SECONDED by Commissioner Langenwaller. The motion CARRIED 8-0.

The applicant agreed to waive the seven day rebuttal period.

5. Discussion Items

None

6. Old/New Business

None

7. Commissioner/Committee Member Comments

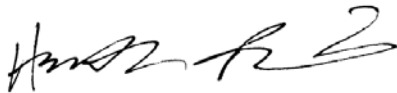
None

8. Staff Comments

Planning Director Richards said the annual Planning Commission training would be on September 27.

9. Adjournment

Chair Hall adjourned the meeting at 8:35 p.m.

A handwritten signature in black ink, appearing to read 'Heather Richards', is written above a horizontal line.

Heather Richards
Secretary