

ORDINANCE NO. 3837

An Ordinance rezoning certain property from existing Agricultural Holding Zone (AH) to City Zone of C-3 PD (General Commercial Planned Development).

WHEREAS, the Planning Commission received an application for a zone change and planned unit development on the property located on Three-Mile Lane (Tax Lot No. 4423-500) on November 8, 1976; and

WHEREAS, a public hearing was held on the 16th day of December, 1976, at 7:45 p.m., before the Planning Commission after due notice had been given in the local newspaper on December 6, 1976 and written notice had been mailed to property owners within 300 feet of the affected property; and

WHEREAS, at said public hearing the testimony of the applicant and surrounding property owners was received and a staff report was presented; and

WHEREAS, the Planning Commission being fully informed about said planned unit development, made the following findings of facts:

1. That a previously approved zone change application (Northwest Logging) substantiated the need for rental storage units in McMinnville. Olde Stone Village Mobile Home Park, which is adjacent to this site, and a developing sixty-nine unit subdivision which will be located approximately one mile west will provide a market in close proximity to the facility. Therefore, the applicant has substantiated a public need and a resulting benefit to the citizens of McMinnville from the approval of this request.

2. That according to testimony received from the applicant, an investment into the property for commercial purposes has occurred in the past. Present use of the property could continue as a preexisting, nonconforming use. The approval of a planned unit development will substantially benefit the area by bringing the subject property into conformance with other adjacent businesses and controlling access onto Three-Mile Lane. The general character of the area will not be substantially altered as previous activities on this site included a twenty-four hour car, truck, and bus towing service, and a truck maintenance, sales, and repair facility. In fact, the proposal will eliminate the towing service and add storage facilities in lieu thereof.

3. That adequate urban services presently serve this site, as the City has constructed sewer and water to the area in the recent past.

4. That the proposed zone change would be in agreement with the McMinnville Comprehensive Plan. In a policy statement for Three-Mile Lane it is stated, "The City of McMinnville recognizes that commercial, industrial, and residential development along Three-Mile Lane is desirable if it is of good quality and design. Further, such development should be staged in accordance with need and be compatible with the traffic-carrying function of Three-Mile Lane, the designated capacity of the sewer and water service extensions into the area, and the prevailing low-density, residential uses in the area." Now, therefore,

THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That the Council adopts the findings and conclusions of the Planning Commission and the staff report on file in the Planning Department.

Section 2. That the following described property shall be rezoned from existing Agricultural Holding Zone (AH) to City Zone of C-3 PD (General Commercial Planned Development).

A portion of Section 23, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, and being a portion of the Reuben Harris D.L.C., said part particularly described as follows: Beginning at a point on the South line of the Reuben Harris D.L.C. which point is 2138.90 feet West of the Southeast corner of said D.L.C.; thence N 00° 30' E a distance of 32 feet to a point on the North line of State Highway No. 152; thence continuing N 00° 30' E along the fence line as shown of Survey No. P-3533, recorded in Volume "L," Page 36 of Yamhill County Survey Records, a distance of 367.3 feet; thence West 300 feet; thence South 00° 30' West 399.3 feet to a point on the South line of the Harris D.L.C.; thence East along the South line of the Harris D.L.C., 300 feet to the place of beginning. EXCEPTING that portion lying within the highway.

subject to the following conditions:

(a) Approval by the Planning Commission of a landscaping plan, to include a specific sign location. The applicant shall give consideration to placing the sign within the landscaping area.

(b) All substantial vegetation along the property boundaries shall be retained.

(c) A sight-obscuring fence shall be erected around any outside storage area (except auto and truck sales lot).

(d) The access driveway to the rear storage building shall be a dustless surface and maintained for all weather use.

(e) The owner of the property shall execute a statement agreeing to the removal of the sign at his own expense if and when highway improvements to Three-Mile Lane are made.

(f) Development of this planned unit development is limited to the plot plan now on file in the Planning Department. Minor adjustments to the plan may be processed without a plan amendment.

Passed by the Council this 28 day of December, 1976, by the following vote:

Ayes: ROUSE DALEY LEWIS BARKER & FAX

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

Approved by the Mayor this 28 day of December, 1976.

Thomas P. Leath  
MAYOR

Attest:

Margie E. Kerlan  
RECORDER