

ORDINANCE NO. 404E

An Ordinance rezoning certain property from existing City of McMinnville zone of R-2 (Single-family Residential) to a City zone of C-3 (General Commercial) planned development on a parcel of land approximately 3.11 acres in size located at the northeast corner of U. S. Highway 99W and 12 Street.

WHEREAS, the Planning Commission received an application for a zone change (ZC 16-79) dated July 11, 1979, on the property described as the old junior high school property at the northeast corner of U. S. Highway 99W and 12 Street; and

WHEREAS, a public hearing was held on August 9, 1979, at 7:00 p.m. before the Planning Commission after due notice had been given in the local newspaper on July 30, 1979, 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 the Planning Commission noted the strong objections of a neighborhood group. After being fully advised and considering the merits presented by both sides, the Planning Commission voted to approve the zone change as requested subject to the conditions set forth in the Planning Director's report with the added proviso that no entrance or exit be allowed from the project to 12 Street. The Planning Commission also adopted the findings of fact and the conclusionary findings as prepared by the staff and forwarded the matter to the Council with a recommendation for approval; and

WHEREAS, the opponents to this zone change, a neighborhood group, filed an appeal to the Council on the Planning Commission's decision. After giving legal notice in accordance with Ordinance 3380, a public hearing was held on September 25, 1979, at 7:30 p.m. in the City of McMinnville Council Chambers. Testimony of the appellants and the applicant for the zone change was received and considered by the Council. At the conclusion of the hearing, the Council debated the issues and voted to deny the appeal and sustained the recommendation of the Planning Commission that the property be rezoned; now, therefore,

THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That the Council adopts the findings and conclusions of the Planning Commission, staff report on file in the Planning Department, and the application filed by David Hughes.

Section 2. That the property described in Exhibit "A," which is attached hereto and by this reference incorporated herein, shall be rezoned from existing City of McMinnville R-2 (Single-family Residential) zone to a City zone of C-3 (General Commercial) planned development, subject to the following conditions:

- (a) That the two large trees on the Baker Street frontage remain.
- (b) That the parking lot be broken up with landscaping.
- (c) That the body of the proposed sign be at least eight feet off the ground (to assure driver vision clearance).

*Amended
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- (d) That a maximum of four garbage containers be placed on the Cowls Street side of the project and these containers be completely enclosed by a site-obscuring fence or hedge.
- (e) That the site plan shall be placed on file with the Planning Department and become a part of the zone and binding on the owner and developer.

The developer is responsible for requesting permission of the Planning Commission for any major change of the details of the adopted site plan. Minor changes to the details of the adopted site plan may be approved by the City Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by him may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the commissioners.

- (f) No access from 12 Street shall be allowed.
- (g) That the developer execute an agreement with the City to share the costs of a traffic signal device at the intersection of 12th and Baker, the developers share to be established by the Council. A building permit shall not be issued until this agreement has been executed.

Section 3. That this ordinance shall be subject to the terms and conditions of Ordinance 3823, entitled "Initiative and Referendum," for a period of thirty days.

First Reading - Read and passed by the Council this 2d day of October, 1979, by the following votes:

Ayes: Hamby, Allen, Springer, Wilson and Porter

Abstain: Willoughby

Second Reading - Read and passed by the Council this 12 day of October, 1979, by the following votes:

Ayes: Hamby, Springer and Porter

Abstain: Willoughby

Approved this 12 day of October, 1979.

Attest:

Thomas P. Scott
MAYOR

Margie E. Kuhn
RECORDER

EXHIBIT A

Being a part of the John G. Baker D.L.C. No. 48, Section 16, Township 4 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon and being a part of the School Lot, District No. 40, Beaumont Park Addition to the City of McMinnville, Oregon and being more particularly described as follows:

Beginning at the Southeast corner of said Lot; thence following the courses and distances as established by County Survey C.S.P. - 7297, Volume U, Page 627, County Survey Records, North $02^{\circ} 57' 20''$ East 562.13 feet; thence North $89^{\circ} 30' 30''$ West 239.73 feet to the West line of said Lot; thence South $02^{\circ} 57' 20''$ West along the West line of said Lot 571.93 feet to the Southwest corner of said Lot; thence South $89^{\circ} 51'$ East 240.00 feet to the place of beginning.