

ORDINANCE NO. 4117

An Ordinance rezoning certain property from existing City of McMinnville zone of R-4 (Multi-family Residential) designation to a C-3 PD (General Commercial Planned Development) zone on a parcel of land located off U. S. Highway 99W.

RECITALS:

The Planning Commission received an application for a zone change (ZC 21-80) from Stan Amundson and Harry B. Cure dated November 10, 1980 on the property described as a portion of Tax Lots 2000 and 2100, Section 16BC, T. 4 S., R. 4 W., Willamette Meridian; and

A public hearing was held on December 11, 1980 at 7:00 p.m. before the Planning Commission after due notice had been given in the local newspaper on December 1, 1980, and written notice had been mailed to property owners within 300 feet of the affected property; and

At said public hearing the testimony of the applicants and surrounding property owners was received and a staff report was presented; and

The Planning Commission being fully informed about said zone change, and based on the observations and the findings of fact and the conclusionary findings for approval contained in the staff report, all of which are on file in the Planning Department, has approved said zone change and has recommended said change to the Council; now, therefore,

THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That the Council adopts the findings and conclusions of the Planning Commission, the staff report on file in the Planning Department, and the application filed by Stan Amundson and Harry B. Cure.

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 zone of R-4 (Multi-family Residential) designation to a C-3 PD (General Commercial Planned Development) zone, subject to the following conditions:

- (a) That a four-foot high berm with landscaping across the top of it be placed the entire length of the north property line.
- (b) That a six-foot high site-obscuring permanent fence be placed along the west property line where the site abuts the apartment complex.
- (c) That the parking lot and theatre lighting shall be so deflected as not to shine or create glare in any residential zone or on any adjacent dwelling.
- (d) That the middle driveway as shown on the proposed plan be for ingress only and the western driveway be for egress only. Lighted "entrance only" and "exit only" signs must be placed by the

appropriate access points where they meet the highway. The egress drive must be divided into two lanes, one for right turns and one for left turns and be so designated.

- (e) That the structure to house the proposed theatre be approved only for that use and its accessory uses.
- (f) That before any additional uses are allowed to locate on the site, the planned development must be amended through the hearings process.
- (g) Landscaping must be approved by the McMinnville Landscape Review Committee.
- (h) 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.

- (i) That the staff develop an access requirement for the subject site that will prevent access to the parking lot after operating hours, while allowing City emergency vehicle access.
- (j) That a fire safety system, to be approved by the Fire Chief, be installed in the building.

Passed by the Council this 6 day of January, 1981, by the following votes:

Ayes: Gormley, Gale, Macy, Allen, and Wilson

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

Approved this 6 day of January, 1981.

  
MAYOR

Attest:

  
RECORDER