

ORDINANCE NO. 4317

An Ordinance amending the City of McMinnville Comprehensive Plan Map from an existing residential designation to a commercial designation and rezoning certain property from an R-2 (single-family residential) zone to a C-3 PD (general commercial planned development) zone.

RECITALS:

The Planning Commission received an application (CPA 1-85/ZC 3-85) dated January 10, 1985 from F3M, Inc. for an amendment to the Comprehensive Plan Map from a residential designation to a commercial designation and a zone change from an R-2 (single-family residential) designation to a C-3 PD (general commercial planned development) zone on a parcel of land approximately 1.61 acres in size located at the southwest corner of West Second and Agee Streets, further described as Tax Lot 300, Section 20CB, T. 4 S., R. 4 W., W.M.

A public hearing was held on February 14, 1985, at 7:30 p.m. before the Planning Commission after due notice had been given in the local newspaper on February 4, 1985, 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 applicant and surrounding property owners was received, and a staff report was presented; and

The Planning Commission being fully informed about said amendment to the comprehensive plan map and the zone change and based on the observations and the findings of fact has approved said amendment and zone change and has recommended said changes 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, staff report on file in the Planning Department, and the application filed by F3M, Inc.

Section 2. That the comprehensive plan map shall be amended from a residential designation to a commercial designation for the property described in Exhibit "A," which is attached hereto and by this reference incorporated herein.

Section 3. That the property described in Exhibit "A" shall be rezoned from an existing R-2 (single-family residential) zone to a C-3 PD (general commercial planned development) zone, subject to the following conditions:

1. That landscape plans be submitted to and approved by the McMinnville Landscape Review Committee. A minimum of 14 percent of the site must be landscaped with emphasis placed at the street frontage. An arborvitae hedge or some similar type of planted visual screen shall be required along the backs of the mini-warehouse buildings.
2. That the hours of operation for the convenience store are limited to from 6:00 a.m. to 10:30 p.m. All other businesses and offices shall be open to the public no later than 9:30 p.m. and no earlier than 7:00 a.m.

3. That if outside lighting is to be provided, it must be directed away from residential areas.
4. That all structures are limited to one-story in height.
5. That uses are limited to one convenience store, one small dry cleaners, one beauty salon, small boutiques, professional offices, office storage, and mini-warehouses.
6. That signs located on the site are subject to the following limitations:
  - a. All signs must be flush against the building and not protrude more than 12 inches from the building face, except that one free standing sign not more than six feet in height and which meets the requirements of "b" and "c" below is allowed;
  - b. All signs, if illuminated, must be indirectly illuminated and nonflashing.
  - c. No signs exceeding thirty-six (36) square feet in size shall be allowed.
7. That the combined total sanitary sewer use on the site may not exceed 9.5
8. That the requirements of Section 17.33.030 of Ordinance No. 3380 are waived.
9. That the development plan shall be placed on file with the Planning Director and shall 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 plan. Minor changes to the details of the adopted 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.

First reading - Read and passed by the Council this 5 day of  
March, 1985, by the following votes:

Ayes: Johnstone, Wertz, Wilson and Carole Hanson

Nays: Bernt Hansen and Blanchard

Second reading - Read and passed by the Council this 20 day of  
March, 1985, by the following votes:

Ayes: Johnstone, Wertz, Wilson and Carole Hanson

Nays: Bernt Hansen and Blanchard

Approved this 20 day of March, 1985.

Carole W. Hanson

COUNCIL PRESIDENT

Attest:

Margie E. Herter  
RECORDER

A tract of land in Sections 19 and 20, Township 4 South, Range 4 West, Willamette Meridian, S. F. Stagg Donation Land Claim No. 55 and being a division of Lot 3, Fair-Lawn Subdivision and being partially represented by a survey recorded as C.S.P.-7163, Volume U, Page 493, Yamhill County Surveyor Records and all being in Yamhill County, Oregon, said tract being more particularly described as follows:

Beginning at a 5/8-inch rebar, set by C.S.P.-7112, Volume U, Page 442, Yamhill County Surveyor Records, and said Place of Beginning being on the South line of West 2nd Street (a City of McMinnville street) and 266.48 feet West of the Northwest corner of said Lot 3; thence following the boundaries as established by C.S.P.-7163, South 00°16'50" West, a distance of 291.73 feet to a 5/8-inch rebar; East, a distance of 239.57 feet to the West line of Agee Street as deeded in Film Volume 138, Page 1240, recorded on April 4, 1979, Yamhill County Deed Records; thence leaving said survey North 00°16'10" East along the West line of Agee Street, a distance of 291.71 feet to the South line of West 2nd Street; thence again following survey C.S.P.-7163, West, a distance of 238.15 feet to the Place of Beginning.