

ORDINANCE NO. 4502

An ordinance rezoning certain property from a County EF-40 (Exclusive Farm Use - 40-acre minimum) zone to a City C-3 PD (General Commercial Planned Development) zone on approximately 16 acres of land located on the north side of U.S. Highway 99W at its intersection with 27th Street.

RECITALS:

The Planning Commission received an application from RPC Development Company for Rowena Berl Bixler for a zone change (ZC 5-91) dated August 7, 1991, for property located on the north side of U.S. Highway 99W at its intersection with 27th Street, further described as Tax Lot 2000 and a portion of Tax Lot 2100, Section 10, T. 4 S., R. 4 W., W.M.

A public hearing was held on September 12, 1991, at 7:30 p.m. before the Planning Commission after due notice had been given in the local newspaper on September 4, 1991, and written notice had been mailed to property owners within 300 feet of the affected property; and

At said public hearing, testimony was received, the application materials and a staff report were presented; and

The Planning Commission, being fully informed about said request, found that said change conformed to the review criteria listed in Chapter 17.72.035 of Ordinance No. 3380 based upon the material submitted by the applicant and findings of fact and the conclusionary findings for approval contained in the staff report, all of which are on file in the Planning Department, and that the zone change is consistent with the Comprehensive Plan; and

The Planning Commission approved said zone change and has recommended said change to 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 RPC Development Company for Rowena Berl Bixler.

Section 2. That the property described in Exhibit "A," which is attached hereto and incorporated herein by this reference, is hereby rezoned from a County EF-40 (Exclusive Farm Use - 40-acre minimum) zone to a City C-3 PD (General Commercial Planned Development) zone, subject to the following conditions:

- (a) That the proposed development be constructed with one full access onto U.S. Highway 99W at the present 27th Street intersection. The access shall be constructed with two exit lanes and one entrance lane.
- (b) That the existing alignment of 27th Street be changed as proposed in the application packet. All costs associated with the recon-

struction of 27th Street where it abuts the site shall be borne by the developer.

- (c) That a right turn lane be installed on Highway 99W leading to the 27th Street intersection to allow traffic to decelerate without blocking through highway traffic. Said improvement shall match that on the opposite side of the highway in terms of appearance and shall be subject to the approval of the Oregon Department of Transportation (ODOT).
- (d) That a traffic signal be installed at the realigned Highway 99W/27th Street/Food 4 Less intersection prior to the Wal-Mart Store opening for business. The costs associated with the traffic signal improvement shall be borne by the developer (with a proportionate share of the cost, based on existing or anticipated trip generation, picked up by the owners of the McMinnville Plaza shopping center, if possible).
- (e) That the applicants agree that in the future, if traffic warrants it and the Oregon Department of Transportation requires it, the traffic signal will be moved to the K-Mart intersection alignment or an additional traffic signal will be required at said intersection. The costs of said move, or additional signal installation, raised medians, and any needed signal upgrade shall be borne by the properties benefitted by the intersection. Proportional shares of costs shall be determined by a consultant hired by the properties benefitted. Certain consideration shall be given in proportioning the shared costs associated with the original installation at 27th Street. If agreement cannot be reached, the City will act as arbitrator with the City's decision becoming binding.
- (f) That only one free standing sign, limited to a maximum of 30 feet in height, is allowed on the site. There is no limit on the numbers of signs attached to the building faces.
- (g) That landscaping plans must be submitted to and approved by the Landscape Review Committee. A minimum of 15 percent of the site must be in landscaping. Such plans must include lawn areas and street trees along the highway frontage. Care shall be given in the planting of said trees that they will not interfere now or in the future with highway signage.
- (h) That a temporary sewer system is allowed, subject to the approval of the City Engineer. The applicants agree to connect to the municipal system as soon as it becomes available, agree to pay on demand by the City their fair share of the costs of the trunk system as determined by a formula developed by the City Engineer and adopted by the City Council, and agree to construct that portion of the system which is adjacent to their site at such time as engineered plans become available.

- (i) That the applicants or owners sign a waiver of remonstrance (prepared by the City) against future improvement of the street to be located on the eastern property line, or that they improve to a one-half street width their front foot portion of said street. Said street is to be named with a name acceptable to the Planning Director.
- (j) That plans and elevations must be submitted to and approved through a design review process to be conducted by City staff.
- (k) That the development plans submitted by the applicant for ZC 5-91 be placed on file with the Planning Department and that it become a part of the zone and binding on the owner and developer.

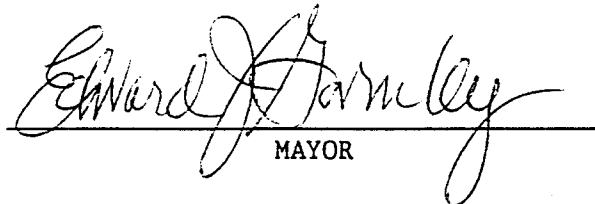
The developer is responsible for requesting permission of the Planning Commission for any major change of the details of the adopted plans. Minor changes to the details of the adopted plans may be approved by the City Planning Director. It shall be the Planning Director's decision as to what constitutes 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.

Passed by the Council this 8th day of October 1991, by the following votes:

Ayes: Aleman, Hansen, Massey, Blanchard

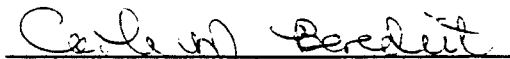
Nays: _____

Approved this 8th day of October 1991.



MAYOR

Attest:



RECORDER