

ORDINANCE NO. 4548

An Ordinance rezoning certain property from a C-2 (Travel Commercial) zone to a C-3 PD (General Commercial Planned Development) zone on approximately 3.66 acres located at the northeast corner of Atlantic Street and the Three Mile Lane frontage road.

RECITALS:

The Planning Commission received an application (ZC 8-93) from American Legion Post No. 21 and Emerson J. Collier, dated June 8, 1993, for property located at the northeast corner of Atlantic Street and the Three Mile Lane frontage road, further described as Tax Lots 1201 and 1300, Section 22CC, T. 4 S., R. 4 W., W.M.

A public hearing was held on July 8, 1993, at 7:30 p.m. before the Planning Commission after due notice had been given in the local newspaper on June 26, 1993, 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 recommended said change to Council; and

Subsequently, the City Council called for a public hearing. In accordance with city ordinances, the public hearing was scheduled for September 14, 1993 at 8 p.m. in the City Council Chambers. Notice of said hearing was given by written notice to affected property owners and to the general public by legal notice in the local newspaper; and

The McMinnville City Council conducted the scheduled hearing at the time and date specified above in accordance with the standards adopted in City of McMinnville Ordinance No. 3682. The testimony of the proponents and opponents was received and in addition the record generated by the McMinnville Planning Commission, supplemental staff reports, supplemental reports from other agencies and additional exhibits were duly incorporated in the record and were considered by the Council; and

The City Council, 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; 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 American Legion Post No. 21 and Emerson J. Collier.

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

1. That the development proposed by the American Legion Post No. 21 is subject to the following conditions:

(a) That the developer prepare and submit to the Three Mile Lane Design Review Committee for review and approval a revised site plan which incorporates new building elevations.

No building permits for the proposed veteran's club shall be issued prior to approval of the revised site plan by the design review committee.

(b) That the development plan, once it is approved by the Three Mile Lane Design Review Committee, 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 will be responsible for requesting permission of the Three Mile Lane Design Review Committee 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 Three Mile Lane Design Review Committee.

(c) That a landscape plan be submitted to the Landscape Review Committee for review and approval prior to the issuance of any building permits. At a minimum, landscaping shall cover 14 percent of the site and include street trees, shrubs, and groundcover along the Three Mile Lane frontage road and Atlantic Street and within the parking lot and existing berm. In addition, landscaping shall include screening (fence, masonry wall, or vegetation) to obscure the proposed development from adjacent or abutting residential uses or zones and appropriate plant material adjacent to the office and parking area. All landscaping included on the approved landscape plan shall be installed prior to issuance of any occupancy permits.

(d) That the use and development of the subject property comply with the conditions enumerated in McMinnville Ordinance No. 4506, Section 10 (a-d and f-h), except that subsection C shall specifically not apply to the outside seating and horseshoe pits which are part of American Legion Post No. 21 application.

(e) That the applicant prepare and submit to the City Engineer for review and approval a drainage plan for the subject property and proposed use. Permits for the proposed use shall not be issued until approval of the drainage plan has been given.

(f) That all areas used for parking and driving aisles be paved.

(g) That a waiver of remonstrance against assessment for future improvement of Atlantic Street be signed by the property owner. Said waiver shall be prepared by the City.

2. That any further development of the property which is the subject of this zone change is subject to the following condition:

(a) That the use and development of the subject property comply with the conditions enumerated in McMinnville Ordinance No. 4506, Section 10 (a-d and f-h), except that subsection C shall specifically not apply to the outside seating and horseshoe pits which are part of American Legion Post No. 21 application.

Passed by the Council this 28th day of September, 1993, by the following votes:

Ayes: Aleman. Payne, Olson, Kirchner, Windle

Nays: _____

Approved this 28th day of September, 1993.

Edward J. Sarney
MAYOR

Attest:

Chilton Ross
~~RECORDER~~
clerk pro tem