

ORDINANCE NO. 4634

An Ordinance amending the City of McMinnville Comprehensive Plan Map from an existing mixed use urban designation to a commercial designation and rezoning certain property from an AH (Agricultural Holding) zone to a C-3 PD (General Commercial Planned Development) zone on a parcel of land located west of Loop Road and east of Olde Stone Village Mobile Home Park.

RECITALS

The Planning Commission received an application from Mike Wiltshire, dated August 12, 1996, for a comprehensive plan map amendment and zone change (CPA 3-96/ZC 8-96) on approximately 5.6 acres of land described as Tax Lots 1200 and 1400, Section 24AC, T. 4 S., R. 4 W., W.M.

A public hearing was held on October 10, 1996, at 7:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on October 3, 1996, 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 plan map amendment and 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 the City of McMinnville.

Section 2. That the Comprehensive Plan Map shall be amended from a mixed use urban designation to a commercial designation for the property described in Exhibit "A" which is attached hereto and incorporated herein by this reference.

Section 3. That the property described in Exhibit "A" is hereby rezoned from an AH (Agricultural Holding) zone to a C-3 PD (General Commercial Planned Development) zone, subject to the following conditions:

1. That the allowed use of the property be limited to mini-warehouse use, subject to the conditions contained in this planned development ordinance.
2. That site plans and building elevations and design, including exterior finish and exterior color scheme, be submitted to and approved by the Three Mile Lane Design Review Committee prior to the issuance of any building permits for said units. Building design and coloration shall be of a type which assures minimal reflection or hindrance to air traffic vision.
3. That a proposed outside lighting plan, including locations of light fixtures, wattage of lamps, direction of beams, and types of lamps, must be submitted to and approved by the Three Mile Lane Design Review Committee prior to implementation. All lighting must be directed away from residential areas.
4. That a landscaping plan must be submitted to and approved by the Landscape Review Committee prior to issuance of any building permits for the site. The plan must include site obscuring evergreen or solid fences along the north and west boundaries of the subject site. In addition, landscaping shall be emphasized along the Loop Road side of the site. Plant materials must be of varieties which do not exceed 35 feet at maturity.
5. That no building permits will be issued until municipal water is available to the site. If sewer service is required, no building permits will be issued until public service is extended to the site or an alternative system is approved by Yamhill County.
6. That a waiver of remonstrance against the future improvement of Loop Road by the city, county, or state, to include drainage improvements, shall be signed by the owner of the property and approved by the City Attorney.
7. That the zone change approval does not take affect until and unless the comprehensive plan amendment request is approved by the City Council.
8. That an easement be granted to the City giving it (the City) the rights to:
 - a. Restrict or prohibit radio or electro-magnetic interference.
 - b. Restrict or prohibit construction of certain types of buildings or structures.
 - c. Restrict or prohibit lights, lighted signs, and other lighted objects.
 - d. Right to restrict or prohibit hazardous or unreasonably objectionable smoke, fumes, or vapor.

The easement document containing the above shall be prepared by the City Attorney.

9. That the owner must grant to the city the right to cause in all airspace above the surface of the subject site such noise, vibrations, fumes, dust, fuel particles, and all other effects that may be caused by the operation of aircraft landing at, or taking off from, or operating at or on the McMinnville Municipal Airport. The owner must fully waive any right to cause of action which he may now or in the future raise against the City due to such circumstances noted above. In addition, the owner must fully waive any right or cause of action to remonstrate against future expansion of the McMinnville Municipal Airport.
10. That signs located within the subject site shall be subject to the following limitations:
 - a. All signs must be flush against the buildings and not protrude more than 12 inches from the building face, except that one monument-type 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 individual sign exceeding thirty-six (36) square feet in size shall be allowed.
11. That the development plans for the proposed mini-warehouse facility, once 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 Planning Commission for any major change of the details of the approved site plan. Minor changes to the details of the approved site plan may be approved by the Three Mile Lane Design Review Committee. It shall be the committee's decision as to what constitutes a major or minor change. An appeal from a ruling by the committee may be made only to the Planning Commission.

12. That the proposed mini-warehouse units shall be constructed without any doors or windows facing Loop Road.
13. That prior to the issuance of any permit for the subject site the applicant shall submit a development plan to the Planning Commission for review and approval.

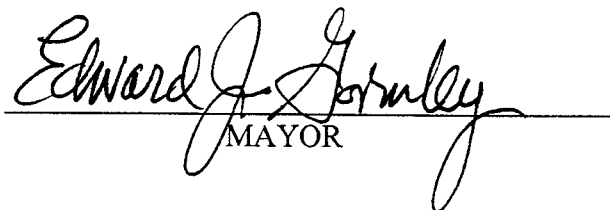
Passed by the Council this 12th day of November 1996, by the following votes:

Ayes: Payne, Massey, Hughes, Windle

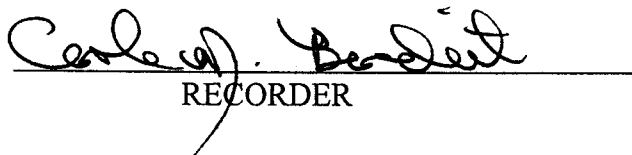
Nays:

Abstention: Kirchner

Approved this 12th day of November, 1996.


MAYOR

Attest:


RECORDER