

ORDINANCE NO. 4648

An Ordinance rezoning approximately 1.27 acres of land from an existing A-H (Agricultural Holding) zone to a C-3 PD (General Commercial Planned Development) zone to allow for future commercial development. The site is located east of the Wal-Mart Shopping Center, north of Highway 99W, and is more specifically described as Tax Lot 1900, Section 10, T. 4 S., R. 4 W., W.M.

RECITALS

The Planning Commission received an application (ZC 3-97) from Jan J. Fourier, et al., dated February 19, 1997 for some 1.27 acres of land located east of the Wal-Mart Shopping Center, north of Highway 99W, and is further described as Tax Lot 1900, Section 10, T. 4 S., R. 4 W., W.M.

A public hearing was held on July 17, 1997, at 7:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on July 10, 1997, 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 zone change review criteria listed in Chapter 17.72.035 of Ordinance No. 3380 based on 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 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 Jan J. Fourier, et al.

Section 2. That the property described in Exhibit "A", which is attached hereto and incorporated herein by this reference is hereby rezoned from an A-H (Agricultural Holding) 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 prior to the issuance of any building permits for the site. A minimum of 15 percent of the site must be landscaped with emphasis placed along the street frontages and building(s) streetside facades. Such plans must include lawn areas and street trees along the Highway 99W and Walton Drive frontages, landscaped islands dispersed throughout the parking lots, sidewalk and landscape treatment similar to that found along Highway 99W adjacent to the Wal-Mart shopping center and as approved for the proposed Lafayette Crossing shopping center. Care shall be given in the planting of said trees and plant material so they will not interfere either now or in the future, with highway signage or vision clearance areas. All trees greater than 9 inches dbh shall be retained and incorporated into all future site development and landscape proposals unless approved for removal by the Planning Director. The applicant shall provide appropriate protection for said trees during the construction of all future site improvements to the extent possible.
2. That the applicant submit detailed plans showing building elevations, site layout, signage, landscaping, parking, and lighting to the Community Development Department for review and approval prior to the issuance of any building permits for the subject property. Approval or denial of the exterior building design shall be based on a finding that, to the extent possible, the building design incorporates design and architectural features that would serve to break up the building's horizontal plane and provide visual interest. This may include, but is not limited to, the use of vertical columns, gables, variety of compatible and complimentary building materials, providing openings in the building facade, and landscaping at the building perimeter. The applicant may appeal the decision of the Community Development Department to the Planning Commission if notice of intent to appeal is filed in the Planning Department office within ten (10) days of the department's decision.
3. That all outside lighting must be directed down and away from public streets.
4. The site's future driveway access to Walton Drive shall be aligned with Lafayette Crossing's southern Walton Drive access, or as may be approved by the City.

5. That only one free-standing sign, limited to a maximum height of 30 feet, shall be permitted on the site. There is no limit on the number of signs attached to the building faces. A single monument sign, limited to a height of six feet and total sign face of 100 square feet, may be permitted subject to review by the City as regard location and design.
6. That development plans when submitted and approved for this site shall be placed on file with the Planning Department and that they become a part of the zone and binding on the owner and developer. The developer is responsible for requesting permission of the Planning Commission of any major change of the details of 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 Planning Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.
7. Off street parking shall be provided as required by the zoning ordinance.
8. Access and utility easements shall be granted as required to serve this parcel and the proposed Lafayette Crossing development. In addition, maintenance agreements, as may be required by the City, shall be provided.
9. That direct vehicular access onto Highway 99W shall be prohibited.
10. Access and right -of-way improvements shall be installed as required by the City of McMinnville and ODOT and shall be consistent with those approved within the Lafayette Crossing master plan.
11. Utilities shall be extended to the subject site and adjoining properties as required by the City of McMinnville and other affected utility agencies.

That development of the subject property shall be consistent with the submitted Lafayette Crossing master plan. However, Lafayette Crossing shall defer construction of that section of private drive extending south of the Wal-Mart access drive to Highway 99W, and associated Highway 99W improvements, until such time that the subject site (Fourier property - Tax Lot 1900)

should develop, or other arrangements between the two properties (to be approved by the City) for development of this access drive, can be agreed upon by all affected parties. Costs associated with the construction of the proposed Highway 99W/access drive intersection and private drive shall be the responsibility of the Fourier property unless the applicant and owners of the Lafayette Crossing property can come to agreement regarding the sharing of construction costs for utilities and improvements prior to their construction.

Passed by the Council this 12th day of August, 1997 by the following votes:

Ayes: Aleman, Hughes, Tomcho, Windle

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

Approved this 12th day of August, 1997.

  
MAYOR

Attest:

  
RECORDER