

ORDINANCE NO. 4704

An Ordinance amending the City of McMinnville Comprehensive Plan Map from an existing Residential designation to a Commercial designation and a zone change from a County EF-80 (Exclusive Farm Use - 80 acre minimum) zone and a City C-3 (General Commercial) zone to a City C-3 PD (General Commercial Planned Development) zone on 16.5 acres of land located north of the Wilco Farm Store and the Jim Doran auto dealership.

RECITALS

The Planning Commission received an application (CPA 5-99 / ZC 8-99) from Leonard and Judith Johnson, dated April 20, 1999, for a comprehensive plan map amendment from a Residential designation to a Commercial designation and zone change from a County EF-80 (Exclusive Farm Use - 80 acre minimum) zone and a City C-3 (General Commercial) zone to a City C-3 PD (General Commercial Planned Development) zone on a parcel of land approximately 16.5 acres in size and described as a portion of Tax Lot 1800, Section 10C, T. 4 S., R. 4 W., W.M.

A public hearing was held on May 20, 1999, at 7:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on May 15, 1999, 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 comprehensive plan amendment and zone change are consistent with the Comprehensive Plan; and

The Planning Commission approved said plan map amendment and zone change and has recommended said changes to the Council;

Subsequently, the City Council called for a public hearing. In accordance with City ordinances, the public hearing was scheduled for July 27, 1999, at 7:30 p.m. in the McMinnville School District Board Room. 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 into the record and were considered by the Council; and 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 Leonard and Judith Johnson.

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 incorporated herein by this reference.

Section 3. That the property described in Exhibit "A", is hereby rezoned from a County EF-80 (Exclusive Farm Use - 80 Acre Minimum) zone and a City C-3 (General Commercial) zone to a City C-3 PD (General Commercial Planned Development) zone subject to the following conditions:

1. That the comprehensive plan map amendment and zone change approvals not take affect until and unless the annexation request is approved by the City Council and the electorate.
2. That the submitted site plan (and Forest Park RV park site plan as may be approved by the Planning Director), be placed on file with the Planning Department and that it become a part of the zone and binding on the property owner and developer.

The developer is responsible for requesting approval 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 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.

3. That existing trees greater than 9 inches in diameter measured 4.5 feet above grade shall not be removed without prior review and written approval of the Planning Director. In addition, all trees to remain within the subject site shall be protected during construction. A plan for such protection and illustration of location and property ownership of the mature trees within the subject site must be submitted with the building permit application and must meet with the approval of the Planning Director. The Director may permit a reduction or require an increase in normally required setbacks to avoid the removal of existing mature trees.
4. That signage for the proposed RV park shall be limited to a maximum of one free-standing sign not more than 15 feet in height, with a sign face not exceeding 36 square feet, and one monument sign not more than six feet in height, with a sign face not exceeding 60 square feet in area. Monument signs

shall be non-illuminated, indirectly illuminated, neon, or may have individually back-lit letters.

5. That the proposed future utilization of approximately 2.5 acres of the subject site located in the extreme southwest corner of the site (south of the proposed Doran Drive), for purposes of retail and/or office commercial development, shall be subject to the followings conditions:
  - a.) That detailed plans for the proposed commercial development showing site layout, signage, building elevations, landscaping, parking, lighting, proposed land uses and their location(s), building locations, proposed circulation pattern, grading and drainage information, landscaping, location and size of public utilities and services, and other information deemed necessary to convey the details of the proposed development plans must be submitted to and approved by the Planning Commission prior to the issuance of any building permits for said development. The applicant may appeal the decision of the Planning Commission to the City Council if notice of intent to appeal is filed in the Planning Department office within fifteen (15) days of the Commission's decision.
  - b.) That landscape plans for the commercial site south of the extension of Doran Drive shall be submitted to the McMinnville Landscape Review Committee for review and approval prior to issuance of permits for any of the commercial buildings. At a minimum, 15 percent of the site shall be landscaped with emphasis placed along the Doran Drive street frontages, at major entrances to the commercial area, within off-street parking lots, and at building perimeters.
  - c.) That signs located within this area shall be subject to review by the Planning Department as to their location and design, and shall be limited to one free-standing sign, a maximum of 15 feet in height, with a sign face not to exceed 36 square feet. Monument signs shall be limited to a height of five feet, with a total sign face of 60 square feet. Monument signs shall be non-illuminated, indirectly illuminated, or may have individually back-lit letters. All other signs, with the exception of incidental directional signage, must be flush against the buildings and not protrude more than twelve inches from the building face.
6. That the applicant record a perpetual non-exclusive easement waiving all common law rights to object to normal and necessary farm management activities legally conducted on lands adjacent to the subject site. Said easement to be approved as to form and content by the Planning Director, and to be executed prior to issuance of any building permits for the subject property.
7. That the owner or their successors in interest shall upon demand of the City convey a pedestrian access easement from Doran Drive across the proposed recreational vehicle park to the North Yamhill River flood plain area (which borders the northern boundary of said recreational vehicle park).

Passed by the Council this 27th day of July 1999, by the following votes:

Ayes: Aleman, Hughes, Kirchner, Payne, Rabe, Windle

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

Approved this 27th day of July 1999.

  
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MAYOR

Attest:

  
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RECORDER