

ORDINANCE NO. 4709

An Ordinance amending the City of McMinnville Comprehensive Plan Map from an existing Industrial designation to a Commercial designation and a zone change from a County EF-40 (Exclusive Farm Use - 40-acre minimum) zone to a City C-3 PD (General Commercial Planned Development) zone on a parcel of land approximately five acres in size located south of Three Mile Lane, and immediately west of Norton Lane and the Willamette Valley Medical Center.

RECITALS

The Planning Commission received an application (CPA 6-99 / ZC 11-99) from Gene and Dorothy McMullin and Phyllis Moyer dated July 2, 1999, requesting a comprehensive plan map amendment from an existing Industrial designation to a Commercial designation and a zone change 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 five acres of land. The subject site is located south of Three Mile Lane, and immediately west of Norton Lane and the Willamette Valley Medical Center and is further described as a portion of Tax Lot 700, Section 27, T.4 S., R. 4 W., W.M.

A public hearing was held August 19, 1999, at 7:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on August 14, 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 changes 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 the 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 plan amendment and zone change are consistent with the Comprehensive Plan; and

The Planning Commission approved said comprehensive plan map amendment and zone change and has recommended said changes 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 Gene and Dorothy McMullin and Phyllis Moyer.

Section 2. That the Comprehensive Plan Map shall be amended from an Industrial 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-40 (Exclusive Farm use - 40-acre minimum) zone to a City C-3 PD (General Commercial Planned Development) zone subject to the following conditions:

1. That the zone change request shall not take effect until and unless CPA 6-99 is approved by the City Council.
2. That development and use of the site is subject to the provisions of the Three Mile Lane Planned Development Ordinance, as amended. Further, that a detailed Master Plan for the subject site shall be submitted to the McMinnville Planning Commission for review and approval, pursuant to the procedures of McMinnville Zoning Ordinance 17.51, Planned Development Overlay, prior to any development occurring on the site. The plan shall include, at a minimum, proposed land uses and their location(s), building locations, proposed circulation patterns, proposed open spaces, grading and drainage information, location and size of public utilities and services, off-street parking areas, direct pedestrian access, and other information deemed necessary to convey the details of the proposed development plans to the Planning Commission.
3. That detailed plans for the proposed commercial development showing site layout, proposed circulation pattern, signage, building elevations, landscaping, parking, and lighting must be submitted to and approved by the Three Mile Lane Design Review Committee prior to the issuance of any building permits for said development. Approval or denial of such plans shall be based on findings that, to the extent possible, the building and site design employs principles that will ensure compatibility with adjacent development, and provide an architectural style appropriate to a "gateway" or entrance to the City of McMinnville. In addition, 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. Submitted plans should include detail as regard building colors and materials (provide texture and visual relief), building height, planting design, window treatment, vertical and horizontal articulation, massing, voids to solids relationships, and other elements appropriate to ensure that the building and site design complies with the objectives and requirements of this planned development approval.

The provisions of Chapter 17.51 of the McMinnville Zoning Ordinance may be used to place conditions on any development and to determine whether or not specific uses are permissible. The applicant may appeal the decision of the Three Mile Lane Design Review Committee to the Planning Commission if

notice of intent to appeal is filed in the Planning Department office within fifteen (15) days of the Committee's decision.

4. That final development plans include landscape plans to be submitted to and approved by the McMinnville Landscape Review Committee and Three Mile Lane Design Review Committee. A minimum of 14 percent of the site must be landscaped. An arborvitae hedge or some similar type of planted visual screen shall be required along the property lines adjacent to the residentially zoned land to the west. Landscaping emphasis shall exist along the site's eastern edge, adjacent to Norton Lane, including required street trees, with particular emphasis at the site's eastern driveway intersection(s) at Norton Lane. In addition, landscape islands are required to be located throughout proposed off-street parking areas.

Street trees within a curbside planting strip along the Norton Lane frontage are required to have a two-inch minimum caliper, exhibit size and growing characteristics appropriate for the particular planting strip, and be spaced as appropriate for the selected species and as may be required for the location of above ground utility vaults, transformers, light poles, and hydrants. All street trees shall be of good quality and shall conform to American Standard for Nursery Stock (ANSI Z60.1). The Planning Director reserves the right to reject any plant material which does not meet this standard.

5. That final development plans for the subject site include a detailed storm drainage plan which incorporates the requirements of the City's Storm Drainage Master Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to the issuance of any development permits. Any utility easements needed to comply with the approved plan must be reflected on the final plat. If the final storm drainage plan incorporates the use of collection systems and easements, such must be private rather than public, and private maintenance agreements must be approved by the City for them.
6. That final development plans for the subject site include a detailed sanitary sewage collection plan which incorporates the requirements of the City's Collection System Facilities Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to the issuance of any development permits. Any utility easements needed to comply with the approved plan must be reflected on the final plat. In addition, existing structures located within the subject site are required to connect to the sanitary sewer system as soon as service is available.
7. That the developer secure from the Department of Environmental Quality (DEQ) applicable storm runoff and site development permits prior to construction of the required site improvements. Evidence of such permit shall be submitted to the City Engineer.
8. That the developer enter into a construction permit agreement with the City Engineering Department for all public improvements and gain a fill and

grading permit for lot fill and grading from the City Building Division. All fill placed in the areas where construction is expected shall be engineered and shall meet with the approval of the City Building Division and the City Engineering Department.

9. That the developer extend water and power services to the subject site in accordance with McMinnville Water and Light requirements, including any necessary contracts and/or easements. Said water service is to include required fire hydrants, which are necessary to be in working order prior to the issuance of building construction permits.
10. That utilities shall be extended to the property boundaries by the applicant, as may be required by the City Engineer or McMinnville Water and Light.
11. That no building shall exceed the height of 35 feet.
12. That if outside lighting is to be provided, it must be directed down and away from residential areas and public streets.
13. That signs located on the site shall be subject to the requirements of McMinnville Ordinance No. 4572 (B).
14. That all business, storage, or displays shall be conducted wholly within an enclosed building; except for off-street parking and loading.
15. That the subject site is limited to professional office use or medical office use, or other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility. Uses other than professional office use or medical office use may not exceed fifteen (15) percent of the total floor area proposed to be constructed within the subject site. Drive-up restaurants; automobile, boat, trailer, or truck rental sales or service; building materials supply stores; recreational vehicle parks; storage garage or mini-warehouse buildings; and, automobile service stations are prohibited from locating on the subject site.
16. That if restrictive covenants are proposed for the development they must meet with the approval of the Planning Director.
17. That the approved Master Plan as approved by the Planning Commission 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 final development plans. Minor changes to the details of the adopted 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 Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the commissioners.

18. That improvements to the Norton Lane frontage, to the southernmost entry drive, or as may otherwise be required by the City of McMinnville, shall be done at the developer's expense and be finalized prior to release of any occupancy permits. Plans for the improvement of Norton Lane shall be submitted to the City Engineer for review and approval prior to its construction.
19. That the developer/owner of the subject site must grant to the Willamette Valley Medical Center and the City of McMinnville the right to cause all airspace above the surface of the subject site such as noise, vibrations, fumes, dust, fuel particles, and all other effects as may be caused by the operation of aircraft landing at or taking off from or operating at or on the Medical Center property and the McMinnville Municipal Airport. The owner must fully waive any right or cause of action which he may now or in the future raise against the Willamette Valley Medical Center and the City of McMinnville due to such circumstances noted above.
20. That prior to the development of the site, the applicant shall sign a waiver of remonstrance against the future improvement of Norton Lane. The waiver shall be prepared by the City.

Passed by the Council this 28<sup>th</sup> day of September 1999, by the following votes:

Ayes: Aleman, Kirchner, Pavne, Rabe, Windle

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

Approved this 28<sup>th</sup> day of September 1999.

Richard D Windle  
COUNCIL PRESIDENT

Attest:

Kent Taylor  
RECORDER PRO TEM