

ORDINANCE NO. 4749

An Ordinance amending the comprehensive plan map from Mixed Use Urban to Commercial and rezoning certain property from an A-H (Agricultural Holding) zone to a C-3 PD (General Commercial Planned Development) zone to permit a future retail/wholesale commercial development on the southern 2.56 acres of a parcel of land approximately 5.43 acres in size.

RECITALS

The Planning Commission received an application (CPA 2-01/ZC 2-01) from H&R Burch Ltd. Partnership, dated April 25, 2001, for an amendment to the comprehensive plan map and a zone change from an A-H (Agricultural Holding) zone to a C-3 PD (General Commercial Planned Development) zone to permit a future retail/wholesale commercial development on the southern 2.56 acres of a parcel of land approximately 5.43 acres in size. The property is more specifically described as Tax Lot 100, Section 22CC, T. 4 S., R. 4 W., W.M.

A public hearing was held on June 21, 2001, at 7:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on June 14, 2001, 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 plan amendment and zone change and has recommended said changes to 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 H&R Burch Ltd. Partnership.

Section 2. That the comprehensive plan map designation for the property described in Exhibit "A", is hereby amended from Mixed Use Urban to Commercial.

Section 3. That the property described in Exhibit "A", 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 the zone change request shall not take effect until, and unless, CPA 2-01 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 proposed commercial development showing connectivity of the site to adjacent properties and existing and planned development (this will require the submittal of a plan for the subject site and surrounding area), site layout, 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, allow for the logical extension of utilities and services (to include access) to surrounding properties, 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, it 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 complementary 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.

3. That final development plans for the site include landscape plans to be submitted to, and approved by, the McMinnville Landscape Review Committee and the Three Mile Lane Design Review Committee. A minimum of 14 percent of the site must be landscaped. A solid wood fence, arborvitae hedge, or some similar type of planted visual screen shall be required along the site's northern edge, as appropriate, to provide screening of the commercial use from future development to the north. Further, landscape emphasis shall be provided along the site's western and southern property lines, adjacent to the industrial development to the west and the Three Mile Lane frontage road to the south, respectively, and along the site's eastern property line adjacent to similarly zoned C-3 PD land, as appropriate, with particular emphasis at the intersection of any driveways providing access to either adjacent right-of-way or property. In addition, landscape islands are required to be located throughout proposed off-street parking areas.

Street trees as may be required to be planted along the Three Mile Lane frontage road 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 that does not meet this standard.

4. That, prior to development of the site, the applicant shall submit a detailed utility plan for review and approval by the City Engineer, McMinnville Water & Light, and other agencies as appropriate. At a minimum, plans for the provision of storm drainage, sanitary sewer service, and public water shall be detailed within the submitted plan.
5. That no building shall exceed the height of 35 feet.
6. That if outside lighting is to be provided, it must be directed down and away from residential areas and public streets.
7. That signs located on the site shall be subject to the requirements of McMinnville Ordinance No. 4572, Section 5(A).
8. That all business, storage, or displays shall be conducted wholly within an enclosed building; except for off-street parking and loading.
9. That drive-up restaurants; building materials supply stores; recreational vehicle parks; storage garage or mini-warehouse buildings; and, gasoline stations are prohibited from locating on the subject site.
10. That an approved Master Plan for the site, as 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 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.
11. That the applicant secure necessary access and drainage permits from ODOT prior to development of the site.
12. That improvements to the Three Mile Lane frontage road, as may be required by ODOT or the City Engineer, shall be done at the developer's expense, and be finalized prior to release of any occupancy permits.
13. That off-street parking spaces shall be provided to serve the proposed use as may be required by Chapter 17.60 of the McMinnville Zoning Ordinance. In addition, handicapped vehicle parking stalls be provided in accordance with current ADA requirements and as specified in the Oregon Uniform Building Code.
14. That a second driveway, if permitted, shall be located and designed such that it serves adjacent property either to the east or west of the site, and that reciprocal easement and maintenance agreements be required. The City Engineer reserves the right to require a traffic impact study to determine the appropriate location of driveway(s) to the subject property; the cost of which shall be borne by the applicant.

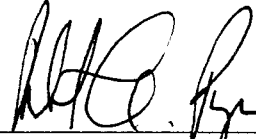
15. That prior to development of the site, the applicant shall confer with the McMinnville Fire Department and McMinnville Water & Light, and conduct such tests as may be necessary to determine whether adequate water flow and pressure exist to meet required City standards for fire suppression. The applicant will be required to provide alternate means of addressing fire suppression requirements, if adequate flow and pressure do not exist at the site, to serve the proposed development. All required improvements necessary to meet these requirements shall be installed by the applicant, at their expense, prior to the release of building permits.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 24th day of July 2001, by the following votes:

Ayes: Aleman, Hansen, Olson, Payne, Rabe, Windle

Nays: _____

Approved this 24th of July 2001.



COUNCIL PRESIDENT

Approved as to form:



CITY ATTORNEY