

ORDINANCE NO. 4752

An Ordinance amending the plan map amendment from Residential to Commercial, and rezoning certain property from an A-H (Agricultural Holding) zone to an O-R (Office Residential) zone to permit a future mix of residential and commercial uses on a parcel of land approximately 9.0 acres in size.

RECITALS

The Planning Commission received an application (CPA 1-01/ZC 1-01) from Eric Hoff, as a representative for the Lyle D. Rowley Trust, dated April 12, 2001, for an amendment to the comprehensive plan map from Residential to Commercial, and a zone change from an A-H (Agricultural Holding) zone to an O-R (Office Residential) zone to permit a future mix of residential and commercial uses on a parcel of land approximately 9.0 acres in size. The property is more specifically described as Tax Lot 7600, Section 22DD, T. 4 S., R. 4 W., W.M.

A public hearing was held on June 21, 2001, and was continued to August 16, 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 plan amendment and 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 plan amendment and zone change are 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 Eric Hoff.

Section 2. That the plan designation for the property described in Exhibit "A" is hereby amended from Residential to Commercial

Section 3. That the property described in Exhibit "A", is hereby rezoned from an A-H (Agricultural Holding) zone to an O-R (Office Residential) zone subject to the following conditions:

1. That the zone change request shall not take effect until and unless CPA 1-01 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. 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 and housing unit densities, 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. The Master Plan shall be coordinated with adjacent property owners and shall include a formal Traffic Impact Analysis, prepared by a professional transportation planner or traffic engineer. 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, including the provision of a comprehensive transportation system which provides coordinated access opportunities and necessary easements to adjacent parcels of land, and is sensitive to the site topography and existing environmental conditions.

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 Planning Commission and/or the Three Mile Lane Design Review Committee to the City Council if notice of intent to appeal is filed in the Planning Department office within 15 (fifteen) days of the reviewing body's decision.

3. That detailed plans for the proposed commercial and residential development showing 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 commercial or multi-family residential exterior building designs shall be based on a finding that, to the extent possible, the building designs incorporate 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.
4. 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 commercial site must be landscaped; a minimum of 25 percent of any multi-family development must also be landscaped. A solid wood fence, arborvitae hedge, or some similar type of planted visual screen shall be required along the north and east edges of the commercial area, as appropriate, to provide screening of the commercial use from adjacent residential areas. Further, landscape emphasis shall be provided along the site's western and southern property lines for the commercial portion, adjacent to commercially zoned land to the west and Highway 18 to the south, respectively, with

particular emphasis at the intersection of commercial driveways or intersections 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 or the commercial portion of the site.

5. Street trees as may be required to be planted along rights-of-way 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.
6. That prior to development of the site the applicant shall submit a detailed utility plan for review and approval by the City Engineer, ODOT, 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. Easements as may be necessary to provide, and extend, utilities to the site and serve adjacent properties shall be granted by the applicant.
7. That the commercial portion of the site be limited to the southernmost portion of the property, and measuring no more than 290 feet north of the present southerly property line. The balance of the site shall be available to accommodate residential development at a maximum density of 18 dwelling units per gross buildable acre (exclusive of floodplain or steeply sloped land).
8. That no building shall exceed the height of 35 feet.
9. That prior to the issuance of any building permits, utilities shall be extended to and through, the subject site by the developer, as may be required by the City Engineer or McMinnville Water and Light. Said utilities shall include water and power services, including any necessary relocations, contracts and/or easements. 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 if outside lighting is to be provided, it must be directed down and away from residential areas and public streets.
11. That signs located on the site shall be subject to the requirements of McMinnville Ordinance No. 4572, Section 5(C).
12. That all business, storage, or displays shall be conducted wholly within an enclosed building; except for off-street parking and loading.
13. That final development plans for the subject site include a detailed storm drainage plan that 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.
14. That final development plans for the subject site include a detailed sanitary sewage collection plan that 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.

15. 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.
16. That final development plans for the subject site include a professional wetland delineation report, to be reviewed and approved by the State Division of Lands and/or the U.S. Army Corps of Engineers.
17. 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.
18. That existing trees greater than nine inches in diameter at breast height (DBH) 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. The Director may permit a reduction or require an increase in normally required setbacks, or a reduction in the required number of off-street parking spaces, in order to avoid the removal of existing mature trees.
19. That if restrictive covenants are proposed for the development they must meet with the approval of the Planning Director.
20. 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.
21. That prior to or at the time of partitioning, the applicant shall have received approval of a conceptual master plan for the subject site from the McMinnville Planning Commission.
22. That the Master Plan for the site, as approved by the Planning Commission and 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.
23. That the applicant complete a traffic impact survey (TIS) and coordinate volume/capacity mitigation efforts, as may be necessary, with ODOT prior to submitting a site specific master plan to the Planning Commission for review and consideration. The applicant shall also secure necessary access and drainage permits from ODOT prior to development of the site. All such costs shall be borne by the applicant.
24. That improvements to the Three Mile Lane frontage road or to the existing Highway 18 access, 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.

25. That off-street parking spaces shall be provided to serve the proposed uses 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 for the commercial portion of the development.
26. That a private driveway be located and designed such that it serves adjacent property to the west of the site, and that reciprocal easement and maintenance agreements be provided.
27. 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 ensure adequate water flow and pressure exists to meet required City standards for fire suppression. The applicant may 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.
28. That all other requirement of the Office-Residential zone not in conflict with the conditions contained in this approval shall apply to development within the subject property.
29. That the applicant dedicate to ODOT land across the entire width of the subject site's southern border to allow the extension of the Three Mile Lane frontage road. The width and location of the dedication shall be as required by ODOT.
30. That unless otherwise constructed by ODOT prior to the subject site's development, the applicant shall construct to ODOT standards a frontage road extending for the full length of the southern edge of the subject site.

Passed by the Council this 25th day of September, 2001, by the following votes:

Ayes Aleman, Hansen, Payne, Rabe, Windle

Nays: _____

Approved this 25th day of September 2001.

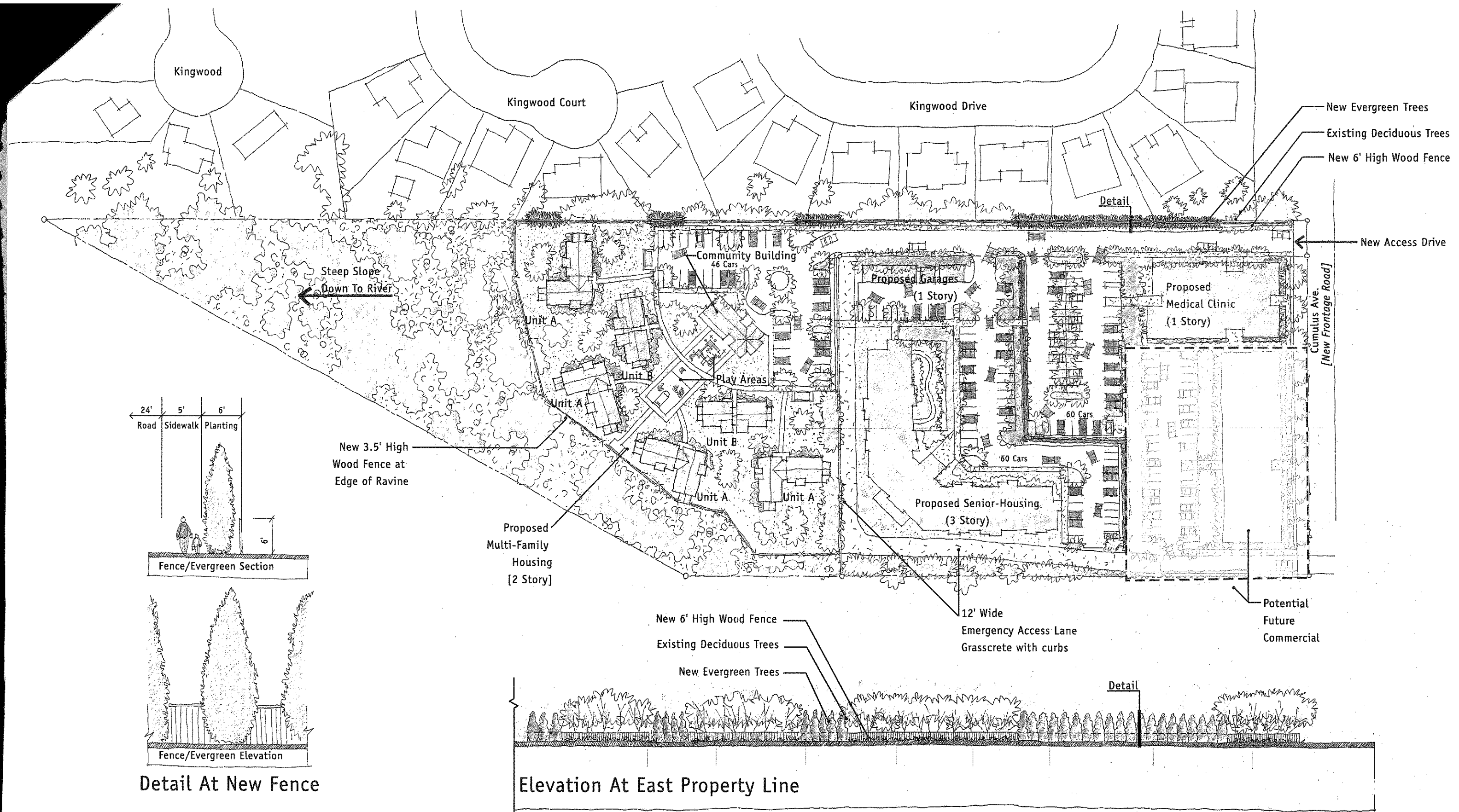


 MAYOR

Approved as to form:



 CITY ATTORNEY



April 15, 2003

Sunflower Farm Development | McMinnville, Oregon

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Site Plan ⊕