

ORDINANCE NO. 5792

An Ordinance amending the comprehensive plan map from an Industrial designation to a Commercial designation, and rezoning certain property from M-2 (General Industrial) and M-1 (Light Industrial) zones to a C-3 PD (General Commercial Planned Development) zone on six parcels of land, totaling approximately 3.5 acres in area.

RECITALS

The Planning Commission received applications (CPA 1-03/ZC 6-03) from Kelly McDonald, dated June 20, 2003, for a comprehensive plan map amendment from an Industrial designation to a Commercial designation, and a Zone Change from M-2 (General Industrial) and M-1 (Light Industrial) zones to a C-3 PD (General Commercial Planned Development) zone on six parcels of land, totaling approximately 3.5 acres in area. The properties are located north of NE 5<sup>th</sup> Street, and east of the Willamette and Pacific Railroad, and are more specifically described as Tax Lots 4400, 4500, 4601, 4700, 4702, and 4800, Section 21BA, T. 4 S., R. 4 W., W.M.

A public hearing was held on July 17, 2003, at 7:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on July 10, 2003, 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 comprehensive plan amendment and zone change and has recommended said change 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 Kelly McDonald.

Section 2. That the properties described in Exhibit "A," are hereby changed from an Industrial designation to a Commercial designation on the

comprehensive plan map, and are rezoned from M-2 (General Industrial) and M-1 (Light Industrial) zones to a C-3 PD (General Commercial Planned Development) zone subject to the following conditions:

1. That this zone change shall not take effect unless and until CPA 1-03 is approved by the City Council.
2. 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 further development occurring on the site. (Development, in this context, shall include actions other than changes of tenancy, partitioning, exterior façade renovations, and interior remodel related activities.) The plan shall include, at a minimum, proposed land uses and their location(s), building locations and residential densities (if applicable), proposed circulation pattern, proposed open spaces, 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 to the Planning Commission.
3. That detailed plans for proposed commercial, industrial and residential development showing site layout, signage, building elevations, landscaping, parking, and lighting must be submitted to and approved by the Planning Commission prior to the issuance of any building permits for the subject site. 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 in particular, to the nearby residential uses, and create an attractive addition to the streetscape and to east McMinnville. 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 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.
4. That landscape plans for the commercial site shall be submitted to the McMinnville Landscape Review Committee for review and approval prior to issuance of permits for any proposed new buildings or additions to existing structures. At a minimum, fifteen (15) percent of the site shall be landscaped with emphasis placed along all street frontages, at entrances to the site, and within off-street parking lots, and at building perimeters.
5. That signs located on the site be subject to review by the Planning Department as to their location and design, and to the following limitations:
  - a. That one monument sign, limited to a height of six feet and total sign face of 100 square feet (a maximum of 50 square feet on each of two sides), may be permitted at each approved curb-cut and as may be approved by the

Planning Commission as part of the master plan or site plan review process. Monument signs shall be non-illuminated, indirectly illuminated, neon, or may have individually backlit letters, providing that no plastic sign cabinets are allowed.

- b. All other signs, with the exception of incidental directional signage, must be flush against the buildings and not protrude more than 12 inches from the building face.
6. That all business, storage, or displays shall be conducted wholly within an enclosed building except for off-street parking and loading. Incidental exterior display and outdoor dining areas may be allowed if incorporated into future building design and approved for such use by the Planning Director.
7. Outside lighting must be directed away from public streets, and residential areas to the east and west.
8. 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.
9. That the conceptual land use plan submitted by the applicant as part of this land use request, shall in no way be binding on the City.
10. That those uses as listed in the C-3 and M-1 zones shall be allowed within the subject property, with the following exceptions:
  - a. Jail or correctional facility;
  - b. Restaurants that provide drive-up window service;
  - c. Cemetery;
  - d. Farm machinery sales or service;
  - e. Greenhouse and wholesale nursery;
  - f. Mortuary and funeral home, including crematorium; and
  - g. Sexually oriented businesses.
11. That partitioning of the subject site may not be permitted by the City prior to submittal and approval of a master plan for the subject site.
12. That the submitted master plan and development plans, 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.

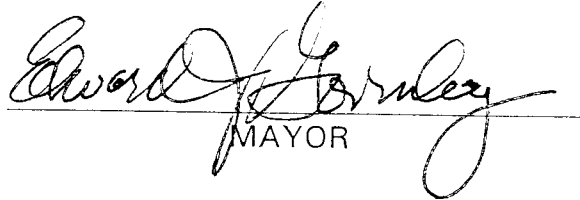
The developer will be responsible for requesting approval of the Planning Commission for any major change in the details of the adopted site plan. Minor changes to the details of the adopted plan may be approved by the City Planning Director. It shall be the Planning Director's decision as to what constitutes 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.

Passed by the Council this 26th day of August, 2003, by the following votes:

Ayes: Aleman Hansen Olson Springer Windle

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

Approved this 26th day of August 2003.

  
MAYOR

Attest:

  
RECORDER

Approved as to form:

  
CITY ATTORNEY

## EXHIBIT "A"

MCDONALD - LEGAL DESCRIPTION ZONE CHANGE (3.8 Ac.)

A tract of land in Section 21, Township 4 South, Range 4 West, Yamhill County, Oregon, which is more particularly described as follows:

Beginning at the southwest corner of "Mill Lot" of OAK PARK ADDITION to the City of McMinnville, which is a point on the south margin of 5<sup>th</sup> Street that is North 60.00 feet and West 25.19 feet from the northeast corner of Block 16, ROWLAND'S ADDITION; thence West 174.90 feet along the north margin of 5<sup>th</sup> Street to a point that is 8.50 feet east of the centerline of Southern Pacific Railroad's house track; thence northerly concentric with and 8.50' easterly of said track 614.08 feet to the north line of that tract of land described in deed from TUCKER to OREGON RAILWAY COMPANY and recorded in Book S, Page 68, Yamhill County Deed Records; thence South 72°44'25" East 21.51 feet along the north line of said OREGON RAILWAY COMPANY tract to a point that is 30' easterly of the Southern Pacific Railroad's main tract when measured radially, and the southwest corner of Lot 7 of Block 21, OAK PARK ADDITION; thence North 19°19'35" East 71.17 feet along the west line of said Lot 7 to the southerly margin of 8<sup>th</sup> Street; thence South 52°02'21" East 378.21 feet along the southerly margin of 8<sup>th</sup> Street to the westerly margin of Alpine Avenue; thence South 37°58'58" West 200.00 feet along said westerly margin to the southeast corner of said Block 21; thence continuing South 37°58'58" West 60.00 feet to the southerly margin of 7<sup>th</sup> Street; thence South 52°02'21" East 124.90 feet along said southerly margin to the northeasterly corner of Lot 4 of Block 1 of OAK PARK ADDITION; thence South 37°57'28" West 100.00 feet to the southeasterly corner of said Lot 4; thence South 52°02'21" East 0.51 feet along the south line of Lot 3 of said Block 1 to the most easterly corner of Lot 7 of said Block 1; thence West 83.52 feet to the southwest corner of said Lot 7 and the northwest corner of "Mill Lot"; thence South 80.00 feet along the west line of "Mill Lot" to the point of beginning.