

ORDINANCE NO. 4810

An Ordinance approving an amendment to McMinnville Planned Development Ordinance No. 4662 to allow the construction of a building to house an "IMAX-type" theater, meeting space, and additional attraction display area on the same site as the existing Evergreen Aviation museum.

RECITALS

The Planning Commission received an application (ZC 4-04) from Scott Edwards Architecture, dated April 13, 2004, seeking approval to amend McMinnville Planned Development Ordinance No. 4662 to allow the construction of a 55,000-square-foot building, 85 feet in height, to house an "IMAX-type" theater, meeting space, and additional attraction display area on the same site as the existing Evergreen Aviation museum. The subject property is located at 530 NE Captain Michael King Smith Way, and is more specifically described at Tax Lot 601, Section 23, T. 4 S., R. 4 W., W.M.

A public hearing was held on May 20, 2004, at 7:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on May 15, 2004, 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 amendment is consistent with the Comprehensive Plan; and

The Planning Commission approved said amendment 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 Scott Edwards Architecture.

Section 2. That McMinnville Planned Development Ordinance No. 4662 is amended, as follows:

1. That permits for the construction of the proposed theater building and off-street parking lot shall be subject to the applicable requirements of McMinnville Planned Development Ordinance No. 4662 and the Three Mile Lane Planned Development Ordinance, as amended.
2. That the large-screen format theatre building shall be a maximum of 85 feet in height.

3. That prior to the issuance of permits for the construction of the proposed theater building, the applicant shall provide water flow test data to the McMinnville Fire Department and McMinnville Water and Light demonstrating that adequate water supply is available, consistent with the requirements of the Uniform Fire Code for such a facility. No construction shall be permitted prior to approval by the Fire Marshall as regard the availability of adequate water for fire suppression purposes.
4. That final development plans, as modified by this approval and 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 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.


5. That if so required by the Oregon Department of Transportation (ODOT), the applicant shall submit a detailed Traffic Impact Study to ODOT for review and demonstration of consistency with the requirements of OAR 660-012-0060 (Transportation Planning Rule). The scope of work for this study shall be coordinated with ODOT. Building permits for the proposed structure shall not be released prior to ODOT's approval. All improvements required by ODOT as a result of their review of this study shall be installed at the applicant's expense prior to release of occupancy permits (temporary or final) for the proposed structure.

Passed by the Council this 22nd day of June 2004, by the following votes:

Ayes: Aleman, Hansen, Olson, Springer, Stocks, Windle

Nays: _____

Approved this 22nd day of June 2004.



 MAYOR
 COUNCIL PRESIDENT

Attest:



 CITY RECORDER

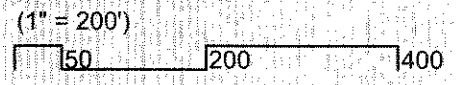
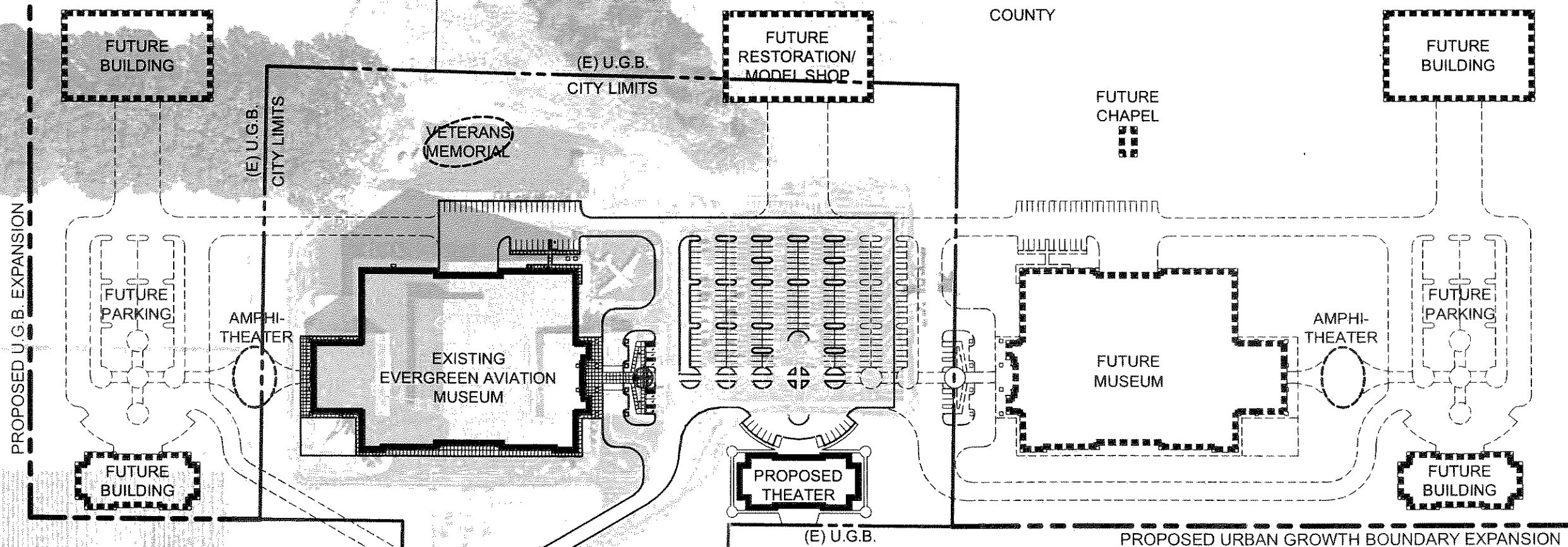
Approved as to form:



 CITY ATTORNEY

COUNTY

COUNTY



EXISTING URBAN GROWTH BOUNDARY

NE CUMULUS AVENUE

(E) URBAN GROWTH BOUNDARY CITY LIMITS

NE CAPTAIN MICHAEL KING SMITH WAY

FUTURE DRIVE

EXISTING URBAN GROWTH BOUNDARY

(E) U.G.B.

PROPOSED URBAN GROWTH BOUNDARY EXPANSION

February 9, 2004

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