

ORDINANCE NO. 4515

An Ordinance rezoning certain property from a County EF-40 (Exclusive Farm Use – 40-acre minimum) zone to a City M-2 PD (General Industrial Planned Development) zone on a 90.45-acre parcel of land to permit future industrial development.

RECITALS

The Planning Commission received an application (ZC 10-04) from Tony Bernards, dated September 15, 2004, for a zone change from a County EF-40 (Exclusive Farm Use – 40-acre minimum) zone to a City M-2 PD (General Industrial Planned Development) zone on a 90.45-acre parcel of land to permit future industrial development. The property is located south of Highway 18, and west of Airport Park and is more specifically described as Tax Lot 700, Section 26, T. 4 S., R. 4 W., W.M.

A public hearing was held on October 22, 2004, at 7:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on October 14, 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 zone change is consistent with the Comprehensive Plan; and

The Planning Commission approved said 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 Tony Bernards.

Section 2. 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 M-2 PD (General Industrial Planned Development) zone subject to the following conditions:

1. That a detailed master plan for the subject site showing site layout, signage, building elevations, landscaping, parking, and lighting must be submitted to and approved by the Planning Commission, 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 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.

In addition, submitted plans should include detail as regard building colors and materials (provide texture and visual relief), building height, window treatment, vertical and horizontal articulation, massing, signage, circulation, planting design, and other

elements appropriate to ensure that the building and site design complies with the objectives and requirements of this planned development approval. 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 McMinnville Municipal Airport; allow for the logical extension of utilities and services (to include access) to surrounding properties; and create an attractive addition to the east McMinnville entrance. 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 15 (fifteen) days of the Commissioner's decision.

2. That development and use of the site is subject to the provisions of the Three Mile Lane Planned Development Overlay Ordinance, as amended. Development not otherwise approved by the Planning Commission as part of the Master Plan 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 exterior building design(s) shall be based on a finding that, to the extent possible, the building(s) incorporates design and architectural features that would serve to break up their horizontal planes 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, and providing openings in the building facades as appropriate, and landscaping at the building perimeters. Submitted plans should include detail as regard building colors and materials (provide texture and visual relief), building height, window treatment, vertical and horizontal articulation, massing, planting design, 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 Three Mile Lane Design Review Committee to the Planning Commission if notice of intent to appeal is filed in the Planning Department office within 15 (fifteen) days of the Committee's decision.

3. That an approved Master Plan for the site, 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 changes of the details of the final development plans. Minor changes to the details of the adopted plan may be approved by the 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.
4. That the applicant submit to the McMinnville Landscape Review Committee for review and approval a detailed landscape and irrigation plan prior to issuance of any building permits for development within the subject site. A minimum of 14 percent of the site must be landscaped. The use of dense planting, berming, or similar design treatment shall be required along the site's northern edge, as appropriate, to provide screening of the industrial use from Highway 18. In addition, landscape islands shall be required to

be located throughout proposed off-street parking areas; landscaping shall also be emphasized at building entrances.

5. That future industrial use(s) of this site for aviation related industries or industries requiring extensive use of airport services for its operation shall be encouraged. In addition, use of the site for RV sales or service; concrete or asphalt plants; automobile, truck, trailer, boat, or other type of implement sales; nursery sales; or similar uses that require extensive outdoor space for their operation, shall not be permitted. This shall supersede the requirements of Section 4 of McMinnville Planned Development Ordinance No. 4131 ("West of McMinnville Airport (Area 2)").
6. 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.
7. That the applicant secure necessary access and drainage permits from ODOT prior to development of the site.
8. That improvements to the proposed Three Mile Lane frontage road ("Stratus Avenue") and other transportation improvements, as may be required by ODOT and/or the City Engineer shall be completed at the developer's expense, and be finalized prior to release of any occupancy permits.
9. 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.
10. That prior to development of the site, the applicant shall confer with 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.

Passed by the Council this 9<sup>th</sup> day of November, 2004, by the following votes:

Ayes: Aleman, Hansen, Menke, Springer, Stocks

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

Approved this 9<sup>th</sup> day of November, 2004.

  
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COUNCIL PRESIDENT

Attest:

  
\_\_\_\_\_  
CITY RECORDER

Approved as to form:

  
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CITY ATTORNEY