

ORDINANCE NO. 4045

An Ordinance rezoning certain property from existing City of McMinnville zone of R-4 (Multiple-family Residential) to C-3 (General Commercial) planned unit development overlay on several parcels of land totaling approximately 34,644 square feet in size, located on the south side of First Street east of the intersection of Irvine and First Streets.

WHEREAS, the Planning Commission received an application for a zone change (ZC 14-79) dated May 9, 1979, on the properties described as Tax Lots 300, 400, and 500, and a portion of Tax Lot 1200, Section 21CA, Township 4 South, Range 4 West, Willamette Meridian; and

WHEREAS, a public hearing was held on September 13, 1979, at the hour of 12:00 p.m. before the Planning Commission, after due notice had been given in the local newspaper on September 3, 1979, and written notice had been mailed to property owners within 300 feet of the affected properties; and

WHEREAS, at said public hearing the testimony of the applicant and surrounding property owners was received and a staff report was presented, and the Planning Commission being advised of the unique location of this property directed that a planned development overlay be considered; and

WHEREAS, the Planning Commission being fully informed about said zone change, and based on the observations and the findings of fact, approved said zone change to a C-3 (General Commercial) planned unit development overlay, and has recommended said change to the Council; 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 Portia Mardock and Mildred Maulding.

Section 2. That the property described in Exhibit "A," which is attached hereto and by this reference incorporated herein, shall be rezoned from existing City of McMinnville zone of R-4 (Multiple-family Residential) to C-3 (General Commercial) planned unit development overlay, with the following conditions:

(a) The commercial uses enumerated below will be allowed on the subject site:

- (1) Club, lodge, hall, or fraternal organization
- (2) Public utility building and facility
- (3) Multiple-family dwelling subject to the provisions of the R-4 zone
- (4) Printing or publishing plant
- (5) Public transportation passenger terminal
- (6) Sign painting shop
- (7) Bank or similar financial institution

- (8) Bicycle sales or repair shop
- (9) Book or stationery store, retail
- (10) Clothing store, retail
- (11) Custom manufacturing of goods only for retail sale on the premises
- (12) Dressmaking, millinery, or tailor shop
- (13) Dry goods or notions store, retail
- (14) Floor covering sales and service
- (15) Frozen food locker, retail
- (16) Furniture store, retail
- (17) Garden supply store, nursery, or greenhouse, retail
- (18) Hardware and paint store, retail
- (19) Household, business, or recreational equipment sales or rental
- (20) Ice dispenser, retail
- (21) Interior decorating shop
- (22) Jewelry store, retail
- (23) Laundry or cleaning establishment
- (24) Locksmith
- ✓(25) Medical or dental laboratory
- (26) Monument sales, retail
- (27) Music or musical instrument store, retail
- (28) Office
- (29) Paint or glass store, retail
- (30) Photographic shop, blueprinting, photostating, or other reproduction process
- (31) Plumbing and heating store, retail
- (32) Scientific or professional instrument sales or service
- (33) Shoe store, retail
- (34) Storage garage
- (35) Taxidermy shop
- (36) Toy or hobby store, retail
- (37) Upholstery or furniture repair shop
- (38) Variety store, retail
- (39) Veterinary office or animal hospital, retail pet store, provided there are no outside runs or pens and no noise is audible beyond the property line

- (40) Gift shop
- (41) Wholesale office or showroom with merchandise on the premises limited to small parts and samples
- (42) Boarding, lodging, rooming, or tourist home
- (43) Barber or beauty shop
- (44) Bakery
- (45) Confectionary or candy store
- (46) Florist
- (47) Wholesale distribution operation

(b) Before any use not enumerated above will be allowed on the subject site, an application must be filed with the planning department and the provisions of Section 3.730 of Ordinance 3380, as amended by Ordinance 4011, must be met. Specific conditions which must be met by these additional uses include but are not limited to:

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- (1) Normal hours of operation. Uses involving late night operation of machinery or late night freight handling will not be allowed.
- (2) Minimal noise generation. The commission shall determine if the noise levels associated with the proposed use are acceptable.
- (3) Traffic generation. Uses involving heavy traffic generation (especially truck traffic) may be excluded by the commission.

(c) A site-obscuring-fence, hedge, or wall of not less than six feet in height shall be maintained on the rear and exterior sides of the site.

(d) No outside storage may take place in the front yard.

(e) All manufacturing, construction, or repair associated with allowed uses shall take place within enclosed structures.

(f) All applicable parking and setback requirements shall be met.

(g) Any free-standing signs must be nine square feet or less in size, and must be indirectly illuminated if lighted. Any signs placed flat against a building must also be indirectly illuminated.

(h) Any outside lighting must be directed away from all residential areas.

(i) Nothing in these conditions may be construed to require lesser standards than those required by laws, ordinances, and codes adopted by the City of McMinnville and State of Oregon.

Section 3. That this ordinance shall be subject to the terms and conditions of Ordinance 3823, entitled "Initiative and Referendum," for a period of thirty days.

Passed by the Council this 2 day of October, 1979, by the following votes:

Ayes: Willoughby, Hamby, Allen, Springer, Wilson and Porter

Nays: _____

Approved this 2 day of October, 1979.


MAYOR

Attest:

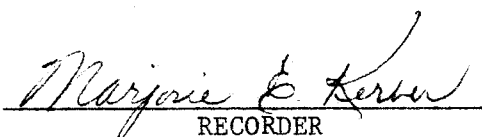

RECORDER

EXHIBIT A

Part of the William T. Newby D.L.C. No. 53, S.E. 1/4 of Section 21, Township 4 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon and more particularly described as follows:

Beginning at an iron pipe set by County Survey C.S. 3402, Volume K, Page 204, County Survey Records, on the South line of East First Street in the City of McMinnville, Oregon, said iron pipe being located 60 feet South and 12 feet East of the Southeast corner of Block 21, Rowland's Addition to said City; thence South along the West line of said Survey 147.5 feet; thence West along the line established by County Survey C.S. 3285, Volume K, Page 66, County Survey Records, 78.2 feet ; thence southwesterly 34.14 feet; thence northwesterly 145.9 feet to the West line of that certain tract as described in Film Volume 111, Page 1328, Deed Records of Yamhill County, Oregon; thence northeasterly 68.6 feet to the Northwest corner of said tract; thence North $71^{\circ}13'$ West along line as located by County Survey C.S.P. - 6306, Volume T, Page 636, County Survey Records, 67.13 feet; thence northeasterly 44 feet to a point on the South line of East First Street, which is 60 feet South and 61.42 feet East of the Southeast corner of Block 20, Rowland's Addition to the City of McMinnville; thence East along the South line of said First Street 167.6 feet, more or less, to the place of beginning.