

ORDINANCE NO. 4052

An Ordinance rezoning certain property from existing City of McMinnville zone of R-4 (Multi-family Residential) to a City zone of C-3 (General Commercial) planned development on a parcel of land approximately one acre in size located off U. S. Highway 99W.

WHEREAS, the Planning Commission received an application for a zone change (ZC 22-79) dated September 7, 1979, on the property described as Tax Lot 1900, Section 16BC, Township 4 South, Range 4 West, Willamette Meridian; and

WHEREAS, a public hearing was held on October 11, 1979, at 7:00 p.m. before the Planning Commission after due notice had been given in the local newspaper on October 1, 1979, and written notice had been mailed to property owners within 300 feet of the affected property; and

WHEREAS, at said public hearing the testimony of the applicants and surrounding property owners was received and a staff report was presented; the Planning Commission was advised by the Planning Director that C-4 zones were to be discouraged in the future in accordance with previous Planning Commission directions, and recommended that a C-3 planned development be enacted in this particular case because it was more appropriate, consistent with previous planning decisions, and was possible because it was more restrictive than that requested; 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 planned development 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 James Hyland and William Nourse (as modified by the Planning Commission).

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 (Multi-family Residential) to a City zone of C-3 (General Commercial) planned development, subject to the following conditions:

- (a) That any outside lighting must be directed away from the residential areas.
- (b) That the use of the proposed 9,534 square foot structure be limited to office uses and accessory uses.
- (c) That the site plan 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 is 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 site 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.

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 6 day of November, 1979, by the following votes:

Ayes: Willoughby, Hamby, Allen, Wilson and Porter

Nays: _____

Approved this 6 day of November, 1979.


MAYOR

Attest:


RECORDER

EXHIBIT A

Beginning at a point on the East line of and 10 feet South of the Northeast corner of Lot No. 3 of JOPLING'S SUBDIVISION in Yamhill County, Oregon, and being a part of the John G. Baker Donation Land Claim No. 48 in Township 4 South of Range 4 West of the Willamette Meridian, in Yamhill County, Oregon; running thence South along the East line of said Lot 3 a distance of 350.9 feet to the North line of the Right of Way of the Oregon State Highway No. 99W; thence South 71°15' West along the North line of said Highway Rights of Way 124.10 feet; thence North parallel to the East line of said Lot No. 3, 390.1 feet to a point 10 feet South of the North line of said Lot No. 3; thence East parallel to the North line of said Lot No. 3, 117.6 feet to the place of beginning SAVE AND EXCEPT that portion already presently zoned C-4.