

ORDINANCE NO. 4079

An Ordinance rezoning certain property from existing C-4 (Commercial-Industrial) zone to an M-1 PD (Light Industrial) planned development on a parcel of land approximately 1.10 acres in size located on Lafayette Avenue.

WHEREAS, the Planning Commission received an application for a zone change (ZC 4-80) dated February 26, 1980, on the property described as Tax Lot 1500, Section 15, T. 4 S., R. 4 W., Willamette Meridian; and

WHEREAS, a public hearing was held on April 10, 1980, at 7:00 p.m. before the Planning Commission after due notice had been given in the local newspaper on March 31, 1980, 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 applicant and surrounding property owners was received and a staff report was presented; and

WHEREAS, the Planning Commission being fully informed about said zone change, and based on the observations and the findings of fact has approved said zone change 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 Ron Stover and Erica K. Kaiser.

Section 2. That the property described in Exhibit "A," which is attached hereto and by this reference incorporated herein, shall be rezoned from existing C-4 (Commercial-Industrial) zone to an M-1 PD (Light Industrial) planned development, subject to the following conditions:

- (a) That retail or wholesale uses that require warehousing shall be allowed in the project.
- (b) That no manufacturing that creates noise that would carry beyond the property lines of the subject site be allowed.
- (c) That a thickly-planted evergreen strip be planted along the perimeter of the site where it abuts the park. This planting must take place before any occupancy of the buildings is allowed. Such plantings must be of a size that would have an immediate visual screening effect. A method for maintaining the buffer must be presented to the Landscape Review Committee for their approval.
- (d) That the development 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 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 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.

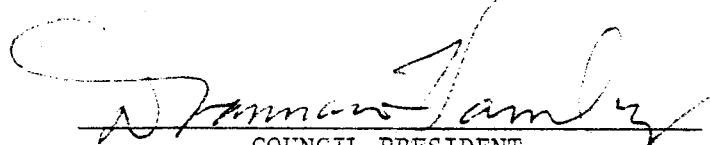
Section 3. That this ordinance shall be subject to the terms and conditions of Ordinance 3823, entitled "Initiative and Referendum," for a period of thirty days.

Passed by the Council this 6 day of May, 1980, by the following votes:

Ayes: Smith, Allen, Springer, Wilson and Hamby

Nays: _____

Approved this 6 day of May, 1980.


COUNCIL PRESIDENT

Attest:


RECORDER

EXHIBIT "A"

ZC 4-80

Being a part of the Madison Malone D.L.C. No. 49, Northwest 1/4 of Section 15, Township 4 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon and being that certain tract as conveyed to Jacob Kaiser, Sr., and Erica Kaiser, Husband and Wife, by Film Volume 109, Page 759, Deed Records of Yamhill County, Oregon, and beginning at an iron pipe 134.03 feet East, 156.12 feet South and 55.43 feet South 5°11' West of the Southeast corner of the James T. Hembree D.L.C. No. 46, said iron pipe having been established by County Survey C.S. 3319, Volume K, Page 103, Yamhill County Surveyor Records; thence following said survey South 5°11' West 202.81 feet, South 56°45' East 242 feet to the westerly line of Lafayette Avenue (a 60 foot wide roadway), North 38°23' East 155.31 feet, North 52°48' West 352.17 feet to the place of beginning and containing 1.12 acres, more or less.