

ORDINANCE NO. 4627

An Ordinance amending Planned Development Ordinance 4548 Section 2 to allow the construction and operation of a commercial fueling card-lock facility on property located at the northeast corner of the Three Mile Lane frontage road and Atlantic Street.

RECITALS

The Planning Commission received an application from Peavey Stations, Inc., for an amendment to Planned Development Overlay Ordinance No. 4548 which would amend Section 2 to allow the construction and operation of a commercial fueling card-lock facility on property located at the northeast corner of the Three Mile Lane frontage road and Atlantic Street.

A public hearing was held on May 9, 1996, at 7:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on May 4, 1996, 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 planned development review criteria listed in Chapter 17.51 of Ordinance No. 3380 based upon 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 planned development amendment is consistent with the Comprehensive Plan; and

The Planning Commission approved said planned development amendment and has recommended said change to Council;

The City Council called for a public hearing and set the hour of 7:30 p.m., July 9, 1996, to consider the application, and the matter came on for hearing as scheduled; and

New testimony was received as was the entire record of the previous Planning Commission hearing on the matter, and the Council found that based on the testimony received, the findings of fact, the conclusionary findings for approval, and the previous record received, the Planning Commission had made the correct decision and that that decision should be sustained; 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 Peavey Stations, Inc.

That Subsection 2 of Section 2 of McMinnville Planned Development Ordinance No. 4548 be repealed in its entirety and that Subsection 1 (a-g) of Section 2 of this ordinance be amended to read as follows:

1. That the development proposed by the American Legion Post No. 21 and Peavey Oil Company, as well as any other future development which may be proposed for the site, is subject to the following conditions:

(a) That the developer prepare and submit to the Three Mile Lane Design Review Committee for review and approval a revised site plan which incorporates new building elevations.

No building permits for the proposed veteran's club shall be issued prior to approval of the revised site plan by the design review committee.

(b) That the development plans for the American Legion site and the Peavey Oil Company site, once 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 Three Mile Lane Design Review Committee 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 Three Mile Lane Design Review Committee.

(c) That a landscape plan be submitted to the Landscape Review Committee for review and approval prior to the issuance of any building permits. At a minimum, landscaping shall cover 14 percent of the site and include street trees, shrubs, and groundcover along the Three Mile Lane frontage road and Atlantic Street and within the parking lot and existing berm. In addition, landscaping shall including screening (fence, masonry wall, or vegetation) to obscure the proposed development from adjacent or abutting residential uses or zones, and appropriate plant material adjacent to the office and parking area. All landscaping included on the approved landscape plan shall be installed prior to issuance of any occupancy permit.

d) That the use and development of the subject property comply with the conditions enumerated in McMinnville Ordinance No. 4506, Section 10 (a-d and f-h), except that subsection c shall specifically not apply to the outside seating and horseshoe pits which are part of the American Legion Post No. 21 application, or a commercial card-lock fueling facility as defined by Oregon Revised Statute on the date of the adoption of this ordinance on Tax Lot 1300.

(e) That a detailed plan showing parking, signing, and lighting must be submitted to and approved by the Three Mile Lane Design Review Committee prior to use of the site.

(f) That signs located within the planned development site shall be subject to the provisions of McMinnville Ordinance No. 4572, except that signs located on Tax Lot 1300 shall be limited to those allowed under Section 5A(2) of Ordinance No. 4572.

(g) That a waiver of remonstrance against assessment for future improvement of Atlantic Street be signed by the property owner. Said waiver shall be prepared by the City.

(h) That the applicant prepare and submit to the City Engineer for review and approval a drainage plan for the subject property and proposed use. Permits for the proposed use shall not be issued until approval of the drainage plan has been given.

First Reading - Read and passed by the Council this 9th day of July 1996 by the following votes:

Ayes: Hughes, Massey, Payne, Windle

Nays: Kirchner

Abstentions: Tomcho

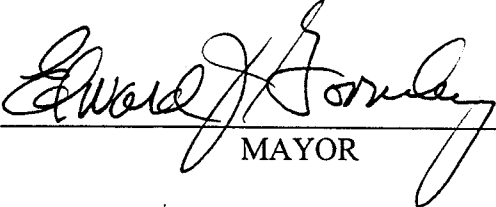
Second Reading - Read and passed by the Council this 23rd day of July 1996 by the following votes:

Ayes: Hughes, Massey, Payne, Windle

Nays: Kirchner

Abstentions: Tomcho

Approved this 23rd day of July 1996.


MAYOR

Attest:


RECORDER