

ORDINANCE NO. 4639

An Ordinance rezoning approximately 1.09 acres of land from a C-3 PD (General Commercial Planned Development) zone to a new C-3 PD (General Commercial Planned Development) zone and amending Ordinance No. 3822. The site is located West of McMinnville Plaza Shopping Center and south of Highway 99W, and is described as Tax Lot 3200, Section 16AA, T. 4 S., R. 4 W., W.M.

RECITALS

The Planning Commission received an application (ZC 10-96) from C.E. Real Estate Services, dated September 23, 1996, for a zone change from a C-3 PD (General Commercial Planned Development) zone to a C-3 (General Commercial) zone on approximately 1.09 acres of land located West of McMinnville Plaza Shopping Center and south of Highway 99W, and described as Tax Lot 3200, Section 16AA, T. 4 S., R. 4 W., W.M.

A public hearing was held on November 14, 1996, at 7:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on November 7, 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 zone change review criteria listed in Chapter 17.72.035 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 zone change is consistent with the Comprehensive Plan; and

The Planning Commission approved said zone change and has recommended said change to Council; and

Subsequently, the City Council called for a public hearing. In accordance with City ordinances, the public hearing was scheduled for January 14, 1997 at 7:45 p.m. in the City Council Chambers. Notice of said hearing was given by written notice to affected property owners and to the general public by legal notice in the local newspaper; and

The McMinnville City Council conducted the scheduled hearing at the time and date specified above in accordance with the standards adopted in City of McMinnville Ordinance No. 3682. The testimony of the proponents and opponents was received and, in addition, the record generated by the McMinnville Planning Commission, supplemental staff reports, supplemental reports from other agencies and additional exhibits were duly incorporated in the record and were considered by the Council; and

The City Council, being fully informed about said request, found that said change when an amendment is added requiring screening from adjacent residential uses conformed to the

review criteria listed in Chapter 17.72.035 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 zone change as amended is consistent with the Comprehensive Plan; 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 C.E. Real Estate Services.

Section 2. That the property described in Exhibit "A", which is attached hereto and incorporated herein by this reference, is hereby rezoned from a C-3 PD (General Commercial Planned Development) zone to a new C-3 PD (General Commercial Planned Development) zone, subject to the following condition:

- a. That screening, to consist of landscaping, fencing or a combination thereof, shall be placed along the subject site's southern perimeter to visually screen it from the adjacent multi-family housing. Plans for said screening shall be indicated on the applicant's landscape plan to be submitted at the time of development.
- b. That structures shall be oriented in such a way as to have the least impact on the adjacent multi-family housing.


Section 3. That Ordinance No. 3822 is hereby amended by excluding the property described in Exhibit "A" from jurisdiction of that ordinance.

Passed by the Council this 14th day of January 1997, by the following votes:

Ayes: Aleman, Hughes, Massey, Payne, Tomcho, Windle

Nays:

Approved this 14th day of January, 1997.


MAYOR

Attest:


RECORDER

EXHIBIT "A"

Part of the James T. Hembree Donation Land Claim No. 46 in the Northeast 1/4 of section 16, Township 4 South,, Range 4 West of the Willamette Meridian, Yamhill County, Oregon, being that certain deed recorded in Film Volume 284, Page 905, Deed Records of Yamhill County, Oregon and being more particularly described as follows:

Beginning at a point N 00°46' W 543,00 feet from the Southeast corner of the James T. Hembree D.L.C.; thence continuing along the east line of said Claim N 00°46' W a distance of 256.75 feet to the southerly right of way of Highway 99W; thence S 71° 08' W along the southerly right of way of Highway 99W a distance of 39.27 feet; thence continuing along said southerly right of way S 79° 39'51" W a distance of 200.74 feet to a point in the center of a 25 foot roadway. said point also being the northeast corner of that parcel described in a deed recorded in Film Volume 267, Page 504, Deed Records of Yamhill County, Oregon; thence S 21°2' E a distance of 146.30 feet; thence along an arc of a 95.55 foot radius curve to the left, the long cord of which bears S 35°43'30"E a distance of 48.37 feet; thence S 50°25' E a distance of 48.55 feet to the southeast corner of said parcel of land recorded in Film Volume 267, Page 504; thence N 89°25' W a distance of 120.00 feet to the point of beginning.