

ORDINANCE NO. 4647

An Ordinance rezoning approximately 12.85 acres of land from an existing EF-40 (Exclusive Farm Use - 40-acre minimum) zone to a C-3 PD (General Commercial Planned Development) zone. The site is located east of the Wal-Mart Shopping Center, north of Highway 99W, and is more specifically described as Tax Lot 1800, Section 15, T. 4 S., R. 4 W., W.M.

RECITALS

The Planning Commission received an application (ZC 6-97) from HS Development dated June 16, 1997 for some 12.85 acres of land located east of Wal-Mart Shopping Center, north of Highway 99W, and further described as Tax Lot 1800, Section 15, T. 4 S., R. 4 W., W.M.

A public hearing was held on July 17, 1997, at 7:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on July 10, 1997, 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 on 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 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 HS Development.

Section 2. That the property described in Exhibit "A", which is attached hereto and incorporated herein by this reference is hereby rezoned from an EF-40 (Exclusive Farm Use - 40-acre minimum) zone to a C-3 PD

(General Commercial Planned Development) zone subject to the following conditions:

- a. That landscape plans be submitted to and approved by the McMinnville Landscape Review Committee prior to the issuance of any building permits for the proposed shopping center. A minimum of 15% of the site must be landscaped with emphasis placed along the street frontages and buildings' streetside facades. Such plans must include lawn areas and street trees along the Highway 99W and Grandhaven Drive frontages, landscaped islands dispersed throughout the parking lot, sidewalk and landscape treatment similar to that found along Highway 99W adjacent to the Wal-Mart shopping center, and landscaping adjacent to the proposed Waremart Foods front building facade. Care shall be given in the planting of said trees and plant material that they will not interfere now or in the future with highway signage. The existing oak trees, located near the southeast corner of the site, shall be retained unless approved for removal by the Planning Director. If retained, the applicant shall provide appropriate protection for the oak trees during the construction of the proposed Grandhaven Drive/Highway 99W intersection. With ODOT concurrence, the City may permit a slight realignment of this intersection to retain said trees.
- b. That the applicant submit detailed plans showing building elevations, site layout, signage, landscaping, parking, and lighting to the Community Development Department for review and approval prior to the issuance of any building permits for the subject property. Approval or denial of the exterior building design shall be based on a finding that, to the extent possible, the building design incorporates design and architectural features that would serve to break up the building's horizontal plane and provide visual interest. This may include, but is not limited to, the use of vertical columns, gables, variety of compatible and complimentary building materials, providing openings in the building facade, and landscaping at the building perimeter. The applicant may appeal the decision of the Community Development Department to the Planning Commission if notice of intent to appeal is filed in the Planning Department office within ten (10) days of the department's decision.
- c. That all outside lighting must be directed down and away from residential areas and public streets.
- d. That only one free-standing sign, limited to a maximum height of 30 feet, shall be permitted on the site. There is no limit on the number of signs attached to the building faces. A single monument sign,

limited to a height of six feet and total sign face of 100 square feet, may be permitted on each of the proposed lots, subject to review by the Planning Department as to their location and design.

- e. That development of the subject property shall be consistent with the submitted Waremart Foods master plan. However, Waremart Foods shall defer construction of that section of private drive extending south of the Wal-Mart access drive to Highway 99W, and associated Highway 99W improvements, until such time that the Fourier property (Tax Lot 1900) should develop or other arrangement between the two properties (to be approved by the City) for development of this access drive, can be agreed upon by all affected parties. Prior to the construction of this access drive, the applicant shall be permitted to install temporary improvements as approved by the City, including the reduction of landscape areas along the property's western boundary as necessary to permit vehicular access to the southwest lot (Lot 4). At such time that the Fourier property should develop, Waremart Foods shall remove all permitted temporary improvements and reconstruct their site consistent with the approved master plan. Costs associated with the construction of the proposed Highway 99W/access drive intersection and private drive described above shall be the responsibility of the Fourier property unless the applicant and owners of the Fourier property can come to agreement regarding the sharing of construction costs for utilities and improvements prior to their construction.
- f. That the City shall initiate vacation of the public right-of-way which exists along the subject site's western border north of the Wal-Mart access drive prior to release of the final occupancy permit for the proposed Waremart Foods building. Access and utility easements shall be provided within the vacated right-of-way as necessary to implement the master plan and provide access to the existing residence to the north.
- g. That the applicant shall be responsible for the planting and maintenance of all required landscaping for Tract "A".
- h. That the development plans submitted by the applicant for Lafayette Crossing, dated June 12, 1997, shall be placed on file with the Planning Department and that it become a part of the zone and binding on the owner and developer (with the exception of the eastward extension of the street that is proposed to intersect Grandhaven Drive in the northeast corner of the subject site).

The developer is responsible for requesting permission of the Planning Commission for any major change of the details of the adopted plans. Minor changes to the details of the adopted plans 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.

Passed by the Council this 12th day of August, 1997 by the following votes:

Ayes: Aleman, Hughes, Tomcho, Windle

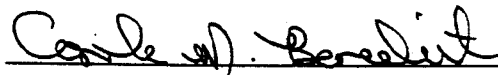
Nays: _____

Approved this 12th day of August, 1997.



MAYOR

Attest:



RECORDER