

ORDINANCE NO. 4669

An Ordinance rezoning a parcel of land some 2.03 acres in size from an O-R PD (Office-Residential Planned Development) zone to a C-3 PD (General Commercial Planned Development) zone to allow for future commercial development. The site is located east of NE Baker Street and south of Baker Creek Road, and is further described as Tax Lots 3500 and 3600, Section 16BC, T. 4 S., R. 4 W., W.M.

RECITALS

The Planning Commission received an application (ZC 7-98) from Davison Brothers, LLC, dated April 3, 1998 requesting approval to rezone some 2.03 acres of land from an O-R PD (Office-Residential Planned Development) zone to a C-3 PD (General Commercial Planned Development) zone to allow for future commercial development. The subject site is located east of NE Baker Street and south of Baker Creek Road, and is further described as Tax Lots 3500 and 3600, Section 16BC, T. 4 S., R. 4 W., W.M.

A public hearing was held on May 21, 1998, at 7:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on May 16, 1998, 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 Davison Brothers, LLC.

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

1. That landscape plans be submitted to and approved by the McMinnville Landscape Review Committee. A minimum of 14 percent

of the site must be landscaped with emphasis placed at the street frontage. An arborvitae hedge or some similar type of planted visual screen shall be required along the property line(s) adjacent to residentially zoned lands. The existing maple tree located on the western portion of the site shall be retained and protected within the drip line to the extent possible. The applicant shall be responsible for maintaining existing landscaping located within the public right-of-way immediately adjacent to the subject site.

2. Detailed plans showing building elevations, site layout, signage, landscaping, parking, and lighting must be submitted to and approved by the McMinnville Planning Director before actual development may take place. To the extent possible, the site and building design should be compatible with surrounding development.
3. That if outside lighting is to be provided, it must be directed down and away from residential areas and public rights-of-way.
4. That signs located on the site shall be subject to the following limitations:
 - a. All signs must be flush against the building and not protrude more than 12 inches from the building face; except that up to two free standing monument-type signs not more than five feet in height and which meet the requirements of (b) and (c) below are allowed;
 - b. All signs, if illuminated, must be indirectly illuminated and nonflashing;
 - c. No individual sign exceeding thirty-two square feet in size shall be allowed.
5. All business, storage, and displays shall be conducted wholly within an enclosed building except for off-street parking and loading.
6. That access to the subject site be limited to two driveways (one each on Baker Street and Baker Creek Road), as approved by the City Engineer.
7. That all off-street parking areas be designed with sufficient on-site circulation to eliminate backing movement(s) onto Baker Creek Road and Baker Street.
8. That a master plan which incorporates the requirements of this zone change approval shall be submitted to the Planning Director for review and approval prior to any development occurring on the site. Upon approval, said master plan shall be placed on file with the Planning Department.

The developer is responsible for requesting permission of the Planning Commission for any major change of the details of the adopted plan. Minor changes to the details of the adopted plan may be approved by the 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 23rd day of June, 1998 by the following votes:

Ayes: Aleman, Hughes, Kirchner, Mashev, Payne

Nays: _____

Approved this 23rd day of June 1998.


MAYOR

Attest:


RECORDER