

ORDINANCE NO. 4710

An Ordinance amending the City of McMinnville Comprehensive Plan Map from an existing Residential designation to a Commercial designation and a zone change from a County AF-20 (Agriculture/Forestry - 20-acre minimum) zone to a City C-3 PD (General Commercial Planned Development) zone on approximately 7.62 acres of land; and a zone change from a County AF-20 zone to a City R-4 PD (Multi-Family Residential Planned Development) zone on 1.84 adjacent acres; and, a zone change from a C-3 PD zone to a new C-3 PD zone on .37 adjacent acres of land located north of North Highway 99W and Grandhaven Drive, and west of Doran Drive.

RECITALS

The Planning Commission received an application (CPA 7-99 / ZC 12-99 / ZC 13-99) from the Wing Louie Family Limited Partnership dated June 15, 1999, requesting a comprehensive plan map amendment from an existing Residential designation to a Commercial designation and a zone change from a County AF-20 (Agriculture/Forestry - 20-acre minimum) zone to a City C-3 PD (General Commercial Planned Development) zone on approximately 6.44 acres of land; and a zone change from a County AF-20 zone to a City R-4 PD (Multi-Family Residential Planned Development) zone on 1.84 adjacent acres; and, a zone change from a C-3 PD zone to a new C-3 PD zone on .37 adjacent acres of land located north of North Highway 99W and Grandhaven Drive, and west of Doran Drive. The subject site is further described as Tax Lots 300 and 500, Section 10C, T. 4 S., R. 4 W., W.M.

A public hearing was held August 19, 1999, at 7:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on August 14, 1999, 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 changes 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 the 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 plan amendment and zone changes are consistent with the Comprehensive Plan; and

The Planning Commission approved said comprehensive plan map amendment and zone changes and has recommended said changes 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 the Wing Louie Family Limited Partnership.

Section 2. That the Comprehensive Plan Map shall be amended from a Residential designation to a Commercial designation for the property described in Exhibit "A", which is attached hereto and incorporated herein by this reference.

Section 3. That the property described in Exhibit "A" is hereby rezoned from a County AF-20 (Agriculture/Forestry - 20-acre minimum) zone to a City C-3 PD (General Commercial Planned Development) zone; and from a County AF-20 zone to a City R-4 PD (Multi-Family Residential Planned Development) zone; and, from a City C-3 PD zone to a new C-3 PD zone subject to the following conditions:

1. That the zone change requests shall not take effect until and unless CPA 7-99 is approved by the City Council.
2. That a detailed Master Plan for the subject site shall be submitted to the McMinnville Planning Commission for review and approval, pursuant to the procedures of McMinnville Zoning Ordinance 17.51, Planned Development Overlay, prior to any development occurring on the site. The plan shall include, at a minimum, proposed land uses and their location(s), building locations and housing unit densities, proposed circulation patterns, proposed open spaces, grading and drainage information, location and size of public utilities and services, off-street parking areas, direct pedestrian access, and other information deemed necessary to convey the details of the proposed development plans to the Planning Commission. The Master Plan shall be coordinated with adjacent property owners and shall include a formal Traffic Impact Analysis, prepared by a professional transportation planner or traffic engineer. Approval or denial of such plans shall be based on findings that, to the extent possible, the building and site design employs principles that will ensure compatibility with adjacent development, including the provision of a comprehensive transportation system which provides coordinated access opportunities and necessary easements to adjacent parcels of land, and is sensitive to the site topography and existing environmental conditions.
3. That NE Doran Drive shall be constructed by the developer with a minimum 34-foot wide paved section located within a 60-foot wide right-of-way (designed to include six-foot wide park strips and five-foot wide sidewalks), and NE Grandhaven Street shall be constructed with a minimum 36-foot wide paved section located within a 60-foot wide right-of-way (designed to include six-foot wide park strips, and five-foot wide sidewalks). These requirements may be increased based upon the findings of the Traffic Impact Analysis.
4. That detailed plans for the proposed commercial and multi-family residential developments showing site layout, signage, building elevations, landscaping, parking, and lighting must be submitted to and approved by the Planning Commission prior to the issuance of any building permits for said development. 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. Submitted plans should include detail as regard building colors and materials (provide texture and visual relief), building height, planting design, window treatment, vertical and horizontal articulation, massing, voids to solids relationships, and other elements appropriate to ensure that the building and site design complies with the objectives and requirements of this planned development approval.
5. That prior to the issuance of any building permits, landscape plans shall be submitted to and approved by the McMinnville Landscape Review Committee. A minimum of 15 percent of the commercial areas within the site must be landscaped,

and a minimum of 25 percent of the multi-family areas within the site must be landscaped. Landscaping shall be emphasized along the frontages of both NE Grandhaven Street and NE Doran Drive, at the entrances of all proposed commercial-type drives, and along building perimeters. Other landscaping requirements include the development of parking islands and plantings therein to break up parking areas, and parking areas shall be obscured from public view. Screening options may include utilization of landscape berms, a continuous vegetative screen, non-linear solid wood fencing possessing vertical and horizontal articulation, or a combination of the above.

Required street trees located within curbside planting strips along the NE Grandhaven Street and NE Doran Drive frontages are required to have a two-inch minimum caliper, exhibit size and growing characteristics appropriate for the particular planting strip, and be spaced as appropriate for the selected species and as may be required for the location of above ground utility vaults, transformers, light poles, and hydrants. All street trees shall be of good quality and shall conform to American Standard for Nursery Stock (ANSI Z60.1). The Planning Director reserves the right to reject any plant material which does not meet this standard.

6. That final development plans for the subject site include a detailed storm drainage plan that incorporates the requirements of the City's Storm Drainage Master Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to the issuance of any development permits. Any utility easements needed to comply with the approved plan must be reflected on the final plat.
7. That final development plans for the subject site include a detailed sanitary sewage collection plan that incorporates the requirements of the City's Collection System Facilities Plan. This plan must be submitted to, and approved by, the City Engineering Department prior to the issuance of any development permits. Any utility easements needed to comply with the approved plan must be reflected on the final plat.
8. That prior to the issuance of any building permits, utilities shall be extended to, and through, the subject site by the developer, as may be required by the City Engineer or McMinnville Water and Light. Said utilities shall include water and power services, including any necessary relocations, contracts and/or easements. Water service is to include required fire hydrants, which are necessary to be in working order prior to the issuance of building construction permits.
9. That the conceptual land use plan submitted by the applicant as part of this land use request shall in no way be binding on the City, particularly as regard proposed vehicular access.
10. That the developer secure from the Department of Environmental Quality (DEQ) applicable storm runoff and site development permits prior to construction of the required site improvements. Evidence of such permit shall be submitted to the City Engineer.
11. That final development plans for the subject site include a professional wetland delineation report, to be reviewed and approved by the Division of State Lands (DSL) and/or the U.S. Army Corps of Engineers.
12. That the developer enter into a construction permit agreement with the City Engineering Department for all public improvements and gain a fill and grading permit

for lot fill and grading from the City Building Division. All fill placed in the areas where construction is expected shall be engineered and shall meet with the approval of the City Building Division and the City Engineering Department.

13. That within the commercially zoned land, all business, storage, or displays shall be conducted wholly within an enclosed building except for off-street parking and loading.
14. That signs located on the commercially zoned land shall be subject to review by the Planning Department as to their location and design, and to the following limitations:
 - a. That a single monument sign, limited to a height of six feet and total sign face not exceeding 60 square feet in area may be permitted for each individual commercial development area or parcel. Monument signs shall be non-illuminated, indirectly illuminated, or may have individually back-lit letters. There is no limit on the number and size of signs attached to building faces.
 - b. Multi-family developments shall be permitted one sign not to exceed six square feet in area identifying the owner or occupant of the property on which it is located. Such sign may be indirectly illuminated.
 - c. All other signs, with the exception of incidental directional signage, must be flush against the buildings and not protrude more than twelve inches from the building face.
15. That existing trees greater than 9 inches in diameter at breast height (DBH) shall not be removed without prior review and written approval of the Planning Director. In addition, all trees to remain within the subject site shall be protected during construction. The Director may permit a reduction or require an increase in normally required setbacks, or a reduction in the required number of off-street parking spaces, in order to avoid the removal of existing mature trees.
16. That prior to the issuance of any building permits, the developer shall be responsible for the submission of a lighting plan to be reviewed and approved by the Planning Director.
17. That if restrictive covenants are proposed for the development they must meet with the approval of the Planning Director.
18. That the approved Master Plan as approved by the Planning Commission 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 final development plans. Minor changes to the details of the adopted 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.
19. That the submitted Master Plan shall comply with the requirements of McMinville Ordinance No. 4226 (NE Residential Planned Development Overlay).

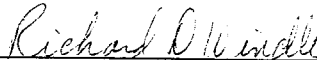
20. That the developer shall grant a 30-foot wide access and utility easement extending from NE Grandhaven Street to the southwest property line of the subject site, assuring access to adjacent land to the southwest without further crossing of the narrow creek. Such easement is required by the provisions of an existing street dedication agreement (recorded document #199705228).

Passed by the Council this 28th day of September 1999, by the following votes:

Ayes: Aleman, Kirchner, Pavne, Rabe, Windle

Nays: _____

Approved this 28th day of September 1999.



COUNCIL PRESIDENT

Attest:



RECORDER PRO TEM