

ORDINANCE NO. 4714

An Ordinance amending McMinnville Planned Development Ordinance No. 4634 in order to accommodate a change in permitted use from a mini-storage facility to a general storage facility for construction equipment and recreational vehicles on a parcel of land approximately 2.3 acres in size located north of Three Mile Lane, east of the Olde Stone Village Mobile Home Park, and west of NE Loop Road.

RECITALS

The Planning Commission received an application (ZC 21-99) from Donald J. and Glenda Martsof dated October 13, 1999 requesting approval to amend McMinnville Planned Development Ordinance No. 4634 in order to accommodate a change in permitted use from a mini-storage facility to a general storage facility for construction equipment and recreational vehicles on a parcel of land approximately 2.3 acres in size located north of Three Mile Lane, east of the Olde Stone Village Mobile Home Park, and west of NE Loop Road and more specifically described as Tax Lot 1400, Section 24C, T. 4 S., R. 4 W., W.M.

A public hearing was held November 18, 1999, at 7:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on November 13, 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 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 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 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 Donald J. and Glenda Martsof.

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; and supplanting the adopted McMinnville Planned Development Ordinance No. 4634 with the following (new text is underlined; text to be deleted is indicated with a line through it):

1. ~~That the allowed use of the property Tax Lot 1400 within the subject site be limited to construction equipment and recreational vehicle storage use or mini-warehouse storage use.~~ and that Tax Lot 1200 be limited to mini-warehouse use, subject to the conditions contained in this planned development ordinance.
2. That site plans and building elevations and design, including exterior finish and exterior color scheme, be submitted to and approved by the Three Mile Lane Design Review Committee prior to the issuance of any building permits ~~for said units~~. Building design and coloration shall be of a type which assures minimal reflection or hindrance to air traffic vision.
3. That a proposed outside lighting plan, including locations of light fixtures, wattage of lamps, direction of beams, and types of lamps, must be submitted to and approved by the Three Mile Lane Design Review Committee prior to implementation. All lighting must be directed down and away from residential areas and public streets.
4. That a landscaping plan must be submitted to and approved by the Landscape Review Committee prior to issuance of any building permits for the site. The plan must include site obscuring evergreen or solid fences along ~~the north and west boundaries of the subject site~~ all property lines that border residentially planned or developed land. In addition, landscaping shall be emphasized along the Loop Road side of the site. Plant materials must be of varieties which do not exceed 35 feet at maturity. In regard to Tax Lot 1200 and Tax Lot 1400, a minimum of 14 percent of each site must be landscaped. Street trees shall be provided as required by Chapter 17.58 of the McMinnville Zoning Ordinance and 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. In addition, street trees shall not be planted within 30 feet of a street intersection. 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 that does not meet this standard.

5. That no building permits will be issued until municipal water is available to the site. If sewer service is required, no building permits will be issued until public service is extended to the site or an alternative system is approved by Yamhill County.
6. That a waiver of remonstrance against the future improvement of Loop Road by the city, county, or state, to include drainage improvements, shall be signed by the owner of the property and approved by the City Attorney.
7. That an easement be granted to the City giving it (the City) the rights to:
 - a. Restrict or prohibit radio or electro-magnetic interference.
 - b. Restrict or prohibit construction of certain types of buildings or structures.
 - c. Restrict or prohibit lights, lighted signs, and other lighted objects.
 - d. Right to restrict or prohibit hazardous or unreasonably objectionable smoke, fumes, or vapor.

The easement document containing the above shall be prepared by the City Attorney.

8. That the owner of the subject site must grant to the city the right to cause in all airspace above the surface of the subject site such as noise, vibrations, fumes, dust, fuel particles, and all other effects as may be caused by the operation of aircraft landing at or taking off from or operating at or on the McMinnville Municipal Airport. The owner must fully waive any right or cause of action which he may now or in the future raise against the City due to such circumstances noted above. In addition, the owner must fully waive any right or cause of action to remonstrate against the future expansion of the McMinnville Municipal Airport.
9. That signs located within the subject site shall be subject to the following limitations:
 - a. All signs must be flush against the buildings and may not protrude more than 12 inches from the building face, except that one monument-type sign not more than six feet in height and which meets the requirements of (b) and (c) below is allowed.

- b. All signs, if illuminated, must be indirectly illuminated and non-flashing.
- c. No individual sign exceeding thirty-six (36) square feet in size shall be allowed.
10. That the any and all development plans for the proposed mini-warehouse facility subject 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.
11. That the proposed construction equipment storage and RV storage facility, and the mini-warehouse units shall be constructed without any doors or windows facing Loop Road.
12. That prior to the issuance of any permit for the subject site, the applicant shall submit a development plan to the Planning Commission for review and approval.


Section 3. That McMinnville Planned Development Ordinance No. 4634 is repealed in its entirety.

Passed by the Council this 14th day of December 1999 by the following votes:

Ayes: Aleman, Hughes, Kirchner, Payne, Rabe, Windle

Nays: _____

Approved this 14th day of December 1999.


MAYOR

Attest:


RECORDER PRO TEM

