

ORDINANCE NO. 4881

An Ordinance approving an amendment to Section 2 (g) of Planned Development Ordinance No. 4506, to permit drive-through commercial use within a future building that would be located some 250 feet south of the intersection of West Second Street and Hill Road, within the Hillsdale Plaza commercial complex.

RECITALS

The Planning Department received an application (ZC 7-07) from Hillsdale Plaza LLC, dated May 14, 2007, seeking approval to amend Section 2 (g) of Planned Development Ordinance No. 4506, to permit drive-through commercial use within a future building that would be located some 250 feet south of the intersection of West Second Street and Hill Road, within the Hillsdale Plaza commercial complex. The subject property is located west of SW Hill Road and south of West Second Street, and is more specifically described as a portion Tax Lot 100, Section 19CA, T. 4 S., R. 4 W., W.M. (See Exhibit "A".)

A public hearing was held on June 21, 2007, at 6:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on June 14, 2007, and written notice had been mailed to property owners within 300 feet of the affected property; and

At said public hearing, testimony was received, and 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 amendment is consistent with the Comprehensive Plan; and

The Planning Commission approved said amendment and recommended said change to the Council; and

On July 10, 2007, Paul and Joan Baidenmann, Christopher and Laura Rapp, Bruce and Tawni Caldwell, and Grant and Deanne Stephens, filed an appeal of the Planning Commission's recommendation with the McMinnville Planning Department. A hearing to consider this appeal was held on August 28, 2007, at 7:30 p.m. before the McMinnville City Council after due notice had been given in the local newspaper on August 18, 2007, 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 proceedings and record of the prior Planning Commission hearings were entered into the Council hearing record; and

The City Council, being fully informed about said request, found that the Planning Commission's recommendation, as amended by Council to include two additional conditions of approval, 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 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 Hillside Plaza LLC.

Section 2. That Section 2 (g) of McMinnville Ordinance No. 4506 (Commercial Lands Planned Development Ordinance) be amended to read as follows (new text in bold font and underlined):

- (g) All business, service, repair, processing, storage, or merchandise, displays shall be conducted wholly within an enclosed building except for the following:
1. Off-street parking and loading.
 2. Temporary display and sales of merchandise, providing it is under cover of a projecting roof and does not interfere with pedestrian or automobile circulation.
 3. **Drive-through window sales exclusive to "Building No. 4" within the Hillsdale Plaza commercial complex as shown on the master plan submitted as part of Docket ZC 7-07.**
 - a. **Sales associated with this drive-through window shall be limited to the hours of 6:00 am to 10:00 pm.**
 - b. **Amplified sound associated with a pre-order menu board shall not exceed 60 dB SPL (level of normal conversation) when measured 65 feet from the building's north facade.**

Section 3. That prior to the release of occupancy permits for Building No. 4, the developer shall install landscaping along the northeast portion of the Hillsdale Plaza commercial property, extending from the site's entry drive off of West Second Street eastward to the Hill Road right-of-way. Said landscaping shall have a minimum depth of ten (10) feet, measured from the West Second Street right-of-way. Within the area north of the future off-street parking lot shall be planted a hedge of evergreen shrubs and/or trees that at maturity can be maintained at a height of 36 – 48 inches. The remaining landscaping shall

complement in design the existing landscaping found to the west of the entry drive.

First Reading: Read and passed by the Council this 18th day of September 2007, by the following votes:

Ayes: Hansen, Hill, Menke, Yoder

Nays: May

Second Reading: Read and passed by the Council this 25th day of September 2007, by the following votes:

Ayes: Hill, Menke, Olson, Yoder

Nays: May

Approved this 25th day of September 2007.


MAYOR

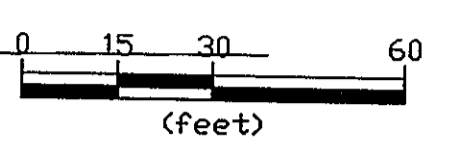
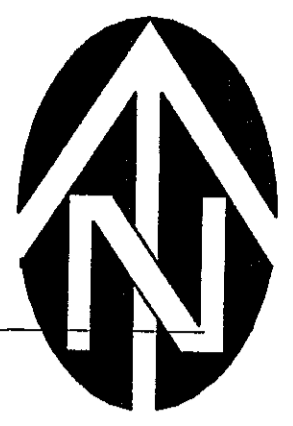
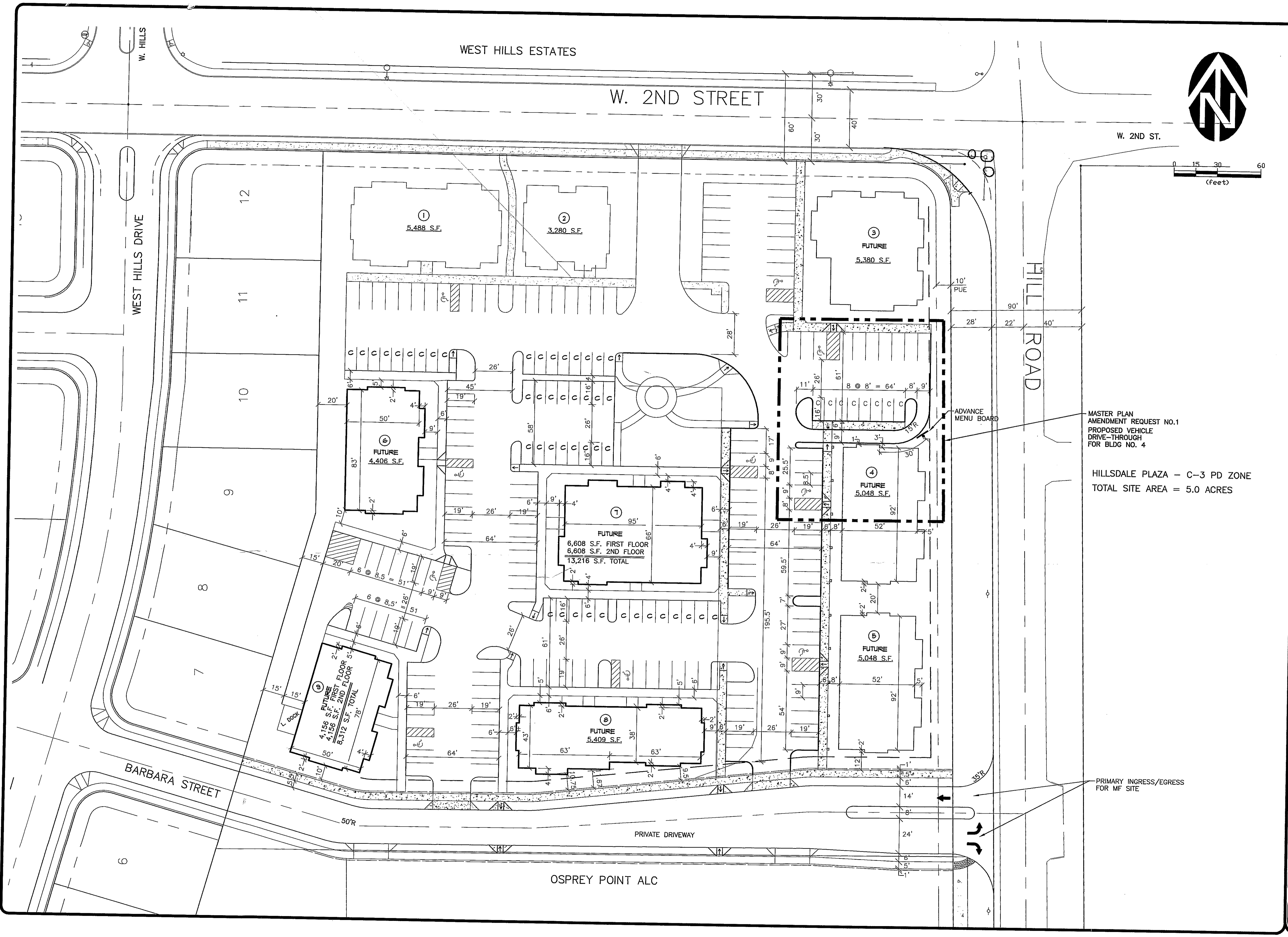
Attest:


CITY RECORDER

Approved as to form:


CITY ATTORNEY

2234revr.dwg 9-1-98 3:28:33 pm



MASTER PLAN AMENDMENT REQUEST NO.1
 PROPOSED VEHICLE DRIVE-THROUGH FOR BLDG NO. 4

HILLSDALE PLAZA - C-3 PD ZONE
 TOTAL SITE AREA = 5.0 ACRES

PRIMARY INGRESS/EGRESS FOR MF SITE

<p>WESTTECH ENGINEERING, INC. CONSULTING ENGINEERS AND PLANNERS</p> <p>3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302 Phone: (503) 565-2474 Fax: (503) 565-3966 E-mail: westtech@viser.net</p>	
<p>HILLSDALE PLAZA LLC McMinnville, OR.</p> <p>HILLSDALE PLAZA-MASTER PLAN AMENDMENT NO. 1</p> <p>BUILDING NO. 4</p> <p>DRIVE-THRU REQUEST</p>	
<p>SHEET C4 OF</p> <p>JOB NUMBER 2177.4030.0</p>	
<p>VERIFY SCALE BAR IS ONE INCH ON ORIGINAL DRAWING 0 IF NOT ONE INCH ON THIS SHEET, INDICATE SCALE ACCORDINGLY</p>	<p>DATE: SEPT. 02</p>
<p>DSN: DBK DRN: L.S. CKD: DBK</p>	<p>NO. 1 DATE</p>
<p>DESCRIPTION</p>	<p>REVISIONS</p>
<p>BY</p>	<p>BY</p>