

ORDINANCE NO. 4277

An Ordinance rezoning certain property from from an existing R-2 (single-family residential) zone to an R-4 PD (multiple-family residential planned development) zone on a parcel of land approximately 2.3 acres in size located at the northern terminus of East Street.

RECITALS:

The Planning Commission received an application for a zone change (ZC 7-83) dated November 8, 1983, on the property described as Tax Lot 601, Section 29BC, T. 4 S., R. 4 W., W. M.

A public hearing was held on December 8, 1983, at 7:30 p.m. before the Planning Commission after due notice had been given in the local newspaper on November 28, 1983, and written notice had been mailed to property owners within 300 feet of the affected property; and

At said public hearing the testimony of the applicant and surrounding property owners was received, and a staff report was presented; and

The Planning Commission being fully informed about said request, found that a need existed for said change based upon 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 reports on file in the Planning Department, and the application filed by Mr. Stephen Stevens.

Section 2. That the property described in Exhibit "A," which is attached hereto and incorporated herein by this reference, shall be rezoned from existing R-2 (single-family residential) zone to an R-4 PD (multiple-family residential planned development) zone, subject to the following conditions:

- (a) That all utility line relocations shall be at the developer's expense.
- (b) That fifteen-foot easements shall be provided and centered over all utility lines.
- (c) That an easement shall be granted providing public access to the open space area.
- (d) That in order to make the condominium building more compatible with adjacent residential property, the roof line of the structure shall be broken, thereby avoiding a barracks-like appearance. Approval of the final design must be gained from the Planning Director.
- (e) That the brush pile located in the floodplain/open space area be removed at the expense of the developer.

- (f) That the entrance to the development be redesigned so that northbound traffic on East Street can enter the development without crossing into the oncoming lane of traffic.
- (g) That the six pine trees on the south side of the property be maintained.
- (h) That the parkland as shown on the development plan shall be deeded to the City prior to any construction permits being issued for the project.
- (i) That the parking lots and drives be designed to accommodate the turning radius of fire trucks. Final layout must be approved by the Fire Chief and the Planning Director.
- (j) That the density restriction of 44 units proposed by the planned development not be exceeded.
- (k) That the development plan shall be binding on the owner and developer. The developer is responsible for requesting permission of the Planning Commission for any major change to 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 by any one of the Commissioners.
- (l) That the document creating a homeowners association and detailing the requirements and duties thereof, be prepared and submitted to and approved by the Commission prior to any building permits being issued.
- (m) That the applicant or his agent file with the City an acceptable survey and description of the affected property.

Passed by the Council this 7 day of February, 1984 by the following votes:

Ayes: Hanson, Gale, Gormley, Wilson and Allen

Nays: _____

Approved this 7 day of February, 1984.


MAYOR

Attest:

Marjorie E. Kerber
RECORDER