

ORDINANCE NO. 4475

An Ordinance rezoning certain property from an R-1 (Single-family Residential) zone to an R-2 PD (Single-family Residential Planned Development) zone on approximately 3.1 acres.

RECITALS:

The Planning Commission received an application from Robert L. Parker for a zone change (ZC 3-90) dated June 11, 1990, for property located East of Michelbook Lane, just south of its intersection with 11th Street, and described as Tax Lots 100 and 400, Section 20, T. 4 S., R. 4 W., W.M.

A public hearing was held on July 12, 1990, at 7:30 p.m. before the Planning Commission after due notice had been given in the local newspaper on July 3, 1990, 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 review criteria listed in Chapter 17.72.035 of Ordinance No. 3380 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 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 Robert L. Parker.

Section 2. That the property described in Exhibit "A", which is attached hereto and incorporated herein by this reference, is hereby rezoned from an R-1 (Single-family Residential) zone to an R-2 PD (Single-family Residential Planned Development) zone, subject to the following conditions:

- (a) That the tentative plan for The Meadows be placed on file with the Planning Department and that it become a part of the zone and binding on the owner and developer.

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 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.

- (b) That the standard setbacks of the R-2 zone generally apply to the development except that the special setbacks listed on the tentative plan are approved.
- (c) That final covenants and restrictions and final homeowners' association bylaws must meet with the approval of the Planning Director.
- (d) That an agreement be entered into between the developer and the City and which is binding on the homeowners' association which sets out minimum maintenance requirements for the parkland.
- (e) That none of the lots may take direct driveway access from Michelbook Lane.
- (f) That the emergency accessway across Tract "D" must meet with the approval of the Fire Chief in terms of construction and maintenance.
- (g) That no on-street parking be allowed on Tract "A" except in the parking bays. "No parking" signs must be installed and maintained on Tract "A" at the owner's expense. Said signs must meet with the approval of the Police Chief and City Engineer in terms of design and location.
- (h) That an agreement satisfactory to the Police Chief and Fire Chief be entered into between the property owners and the City to ensure that the City has police powers on the private drive.
- (i) That the east side of Michelbook Lane be posted "no parking" at the developer's expense. The length of the no parking zone and the location of the no parking signs must meet with the approval of the City Engineer.
- (j) That if street lighting is installed by the Water and Light Department, a rental light contract will need to be signed by the owner prior to installation.
- (k) That no residential structure may be constructed on Lot 10.

Passed by the Council this 14th day of August, 1990, by the following votes:

Ayes: Hansen, Johnstone, Windle, Wilson, Whitehead

Nays: _____

Approved this 14th day of August, 1990.

Edward J. Torrey
MAYOR

Attest:

Carole M. Stevens
RECORDER

Exhibit "A"

Being a part of the Solomon Beary Donation Land Claim, Notification No. 1224, Claim No. 54, NE ¼ Section 20, Township 4 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon, and being a part of those certain deeds recorded in Film Volume 42, Page 559 and Film Volume 99, Page 734, Deed Records of Yamhill County, Oregon, and being more particularly described as follows:

Beginning at the Southeast corner of Lot 1, Block 1, Londershausen Addition to the City of McMinnville, a duly recorded subdivision, Book 7, Page 48, Record of Town Plats, Yamhill County Clerk's Office; thence southerly along the West lines of Walnut Park Addition and C.G. Saylor's Addition a distance of 540.58 feet, more or less, to the North line of Brookview, a duly recorded subdivision in Cabinet A, Slide 247, Record of Town Plats; thence northwest along the North line of Brookview and Crestwood, a duly recorded subdivision in Book 9, Page 42, Record of Town Plats, a distance of 428 feet, more of less, to the easterly right-of-way of Michelbook Lane, as dedicated in Film Volume 205, Page 0443 as recorded on July 23, 1986; thence northerly along said right-of-way to the Southwest corner of Lot 4, Block 1, Londershausen Addition; thence South 89°40' East along the south line of said addition, a distance of 374.02 feet to the point of beginning of this description.