

ORDINANCE NO. 4497

An ordinance rezoning certain property from an R-2 (Single-family Residential) zone to an R-3 PD (Two-family Residential Planned Development) zone to allow single-family attached common wall construction on property located east of Agee Street and north of Apperson Street.

RECITALS:

The Planning Commission received an application from Ray Kulback, Richard Reber, Michael DeRaeve, Claud Engel, and Kenneth Montgomery for a zone change (ZC 3-91) dated May 13, 1991, for property located east of Agee Street and north of Apperson Street, further described as Tax Lot 800, Section 20 CB, T. 4 S., R. 4 W., W.M.

A public hearing was held on June 13, 1991, at 7:30 p.m. before the Planning Commission after due notice had been given in the local newspaper on June 4, 1991, 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 Ray Kulback, Richard Reber, Michael DeRaeve, Claud Engel, and Kenneth Montgomery.

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-2 (Single-family Residential) zone to an R-3 PD (Two-family Residential Planned Development) zone, subject to the following conditions:

- (a) That the Marie Rae Addition Tentative Plan be placed on file with the Planning Department and that it become a part of the zone and binding on the property 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 Plan-

ning 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 an exchange of 4 density units (i.e., 4 housing units) be transferred from the Sandalwood Addition to the Marie Rae Addition in order to meet the intent of City Comprehensive Plan Policy 71.01. This exchange shall be noted in the Planning Department files.

Passed by the Council this 9th day of July 1991, by the following votes:

Ayes: Aleman, Windle, Hansen, Massey, Blanchard, Johnstone

Nays: _____

Approved this 9th day of July 1991.


MAYOR

Attest:



RECORDER

EXHIBIT "A"

A portion of the South half of the West half of Lot 2, in FAIRLAWN SUBDIVISION, said subdivision being a part of the Donation Land Claim of S. F. Staggs in Sections 19 and 20, Township 4 South, Range 4 West of the Willamette Meridian, in the City of McMinnville, in Yamhill County, Oregon, described as follows:

Beginning at a point in the center of Agee Street that is 100 feet North of the Southwest corner of the South half of the West half of Lot 2 of Fairlawn; thence North along the centerline of Agee Street, 230 feet to the Northwest corner of the South half of the West half of said Lot 2; thence East parallel with the South line of the West half of Lot 2, 330 feet to the Northeast corner of the South half of the West half of Lot 2; thence South 330 feet to the Southeast corner of the South half of the West half of Lot 2 and the center of Apperson Street; thence West along the centerline of Apperson Street 95 feet to a point that is East 235 feet and South 100 feet from the place of beginning; thence North 100 feet to a point that is 235 feet East of the place of beginning; thence West 235 feet to the True Place of Beginning.