

ORDINANCE NO. 4530

An Ordinance applying a new R-4 PD (Multi-Family Planned Development) zone to a parcel of land approximately 6.97 acres in size located north of West Second Street and east of Hill Road, repealing Ordinance No. 4386, and amending Ordinance No. 4082.

RECITALS:

The Planning Commission received an application (ZC 1-93) from Ray Kauer and Barry House dated January 14, 1993, for an amendment to an existing planned development overlay which would allow the creation of a 40-lot residential subdivision on 6.97 acres located adjacent to and south and east of the McMinnville branch of Chemeketa Community College, and further described as Tax Lot 1307 and a portion of 1303, Section 19, T. 4 S., R. 4 W., W.M.

A public hearing was held on February 11, 1993, at 7:30 p.m. before the Planning Commission after due notice had been given in the local newspaper on January 30, 1993, 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 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 planned development amendment is consistent with the Comprehensive Plan; and

The Planning Commission approved said planned development amendment 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 Kauer and Barry House.

Section 2. That the property described in Exhibit 'B' which is attached hereto and by this reference herein incorporated shall be rezoned from an existing R-4 PD (Multi-family Residential Planned Development) zone to an amended R-4 PD (Multi-family Residential Planned Development) zone subject to the following conditions:

(a) That the applicant prepare and submit detailed plans for the landscape easements and the entrance island identified on the tentative subdivision plan and the as yet unidentified storm water detention basin to the McMinnville Landscape Review Committee for review and approval prior to submittal of the final subdivision plat. Maintenance of said landscape areas shall be the responsibility of the applicants.

(b) That the deeds for Lots 1 - 7, Block 2 indicate that the property immediately south is planned and zoned for commercial development.

(c) That a revised 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 and that Ordinance 4082 be amended to reflect the adoption of the new plan.

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.

Section 3. That Section 3(h) of Ordinance No. 4082 is hereby amended by adopting the subdivision plan submitted with the ZC 1-93 application as the official plan for that property described in Exhibit B which is attached hereto and incorporated herein by this reference, subject to the following conditions:

(a) That the development plan shall be placed on file with the Planning Director and shall 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.

Section 4. That Ordinance No. 4386 is hereby repealed in its entirety.

Passed by the Council this 23rd day of March, 1993, by the following votes:

Ayes: Aleman, Payne, Olson, Kirchner. Windle

Nays: _____

Approved this 23rd day of March, 1993.

Edward J. Gormley
MAYOR

Attest:

Carole W. Berdett
RECORDER