

ORDINANCE NO. 4579

An Ordinance rezoning certain property from an R-2 (Single-Family Residential) zone to an R-2 PD (Single-Family Residential Planned Development) zone on 6.9 acres of land located north of 27th Street and west of Melody Way.

RECITALS:

The Planning Commission received an application from Leonard Johnson for a zone change (ZC 12-94), dated December 12, 1994, for the property described as Tax Lot 2200 Section 09DD, T. 4 S., R. 4 W., W.M.

A public hearing was held on January 12, 1995, at 7:30 p.m. before the Planning Commission after due notice had been given in the local newspaper on January 7, 1995, 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 Leonard Johnson.

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-2 PD (Single-Family Residential Planned Development) zone, subject to the following conditions:

1. That the revised Reuben's Addition tentative plan, as approved by the Planning Director, 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 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.

2. That the proposed access easement is approved to serve a maximum of four lots.
3. That a maintenance agreement, either in the form of deed restriction or restrictive covenant, be formulated and applied to lots 20, 21, 22, and 23 to guarantee maintenance of their shared private access easement. Said agreement must meet with the approval of the Planning Director.

Passed by the Council this 14th day of February, 1995, by the following votes:

Ayes: Kirchner, Massey, Olson, Payne, Tomcho, Windle

Nays: _____

Approved this 14th day of February, 1995.



MAYOR

Attest:



RECORDER

EXHIBIT "A"

A tract of land in the Southeast 1/4 of Section 9 and the Northeast 1/4 of Section 16, Township 4 South , Range 4 West, Willamette Meridian, City of McMinnville, Yamhill County, Oregon and being a part of the James T. Hembree Donation Land Claim No. 46 and being more particularly described as follows:

Beginning at a 3/4 inch Iron Pipe at the Northwest corner of Bennett Addition, a subdivision of record in Book 9, Page 24, Yamhill County book of Town Plats, said pipe also being the Northeast corner of that certain tract described and recorded in deed, Film Volume 267, Page 144, Yamhill County Deed Records; thence South 00° 07' 38" West, 971.75 feet to a 5/8 inch iron rod on the North right of way line of 27th Street, a 20.0 foot one-half width right of way; thence along said right of way line, North 88° 55' 01" West, 359.26 feet to a 5/8 inch iron rod on the East line of that certain tract described and recorded in deed Film Volume 301, Page 339, Yamhill County Deed Records; thence along said East line, North 00° 01' 00" East, 200.00 feet to a 5/8 inch iron rod; thence South 89° 59' 00" East, 80.00 feet to a 5/8 inch iron rod; thence North 00° 01' 00" East, 553.34 feet to a 5/8 inch iron rod; thence North 89° 59' 00" West, 79.97 feet; to a 5/8" iron rod on said East line of said Film Volume 301, Page 339; thence North 00° 01' 00" East, 210.32 feet to a 5/8" iron rod on the South line of that certain tract described and recorded in deed, Film Volume 155, Page 1411; thence along said South line, North 89° 47' 39" East, 361.05 feet to a 5/8 inch iron rod and the point of beginning.

The above described tract contains 6.98 acres of land.