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ORDINANCE NO. _____

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 five parcels of land totaling some 4.36 acres of land located east of NE Hembree Street, and west of Maloney Drive.

RECITALS

The Planning Commission received an application (ZC 7-99) from Doug Kizer dated April 21, 1999, requesting approval to rezone some 4.36 acres of land from an R-1 (Single-Family Residential) zone to an R-2 PD (Single-Family Residential Planned Development) zone to permit the platting of a 16-lot residential subdivision. The subject site is located east of NE Hembree Street, and west of Maloney Drive, and is more specifically described as Tax Lots 301, 302, 401, 700, and a portion of Tax Lot 400, Section 09CD, T. 4 S., R. 4 W., W.M.

A public hearing was held on May 20, 1999, at 7:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on May 15, 1999, 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 zone change review criteria listed in Chapter 17.72.035 of Ordinance No. 3380 based on the material submitted by the applicant and the 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 report on file in the Planning Department, and the application filed by Doug Kizer.

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:

1. That the Witt Addition subdivision tentative plan (or as may be revised by conditions for approval of this development), 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 approval 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.

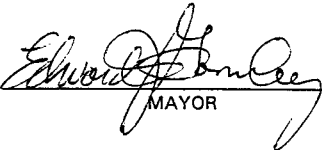
2. That the average lot size within the Witt Addition subdivision shall be a minimum of 7,000 square feet.
3. That the construction of duplexes be permitted upon Lots 6 and 7.
4. That the required minimum front yard setback for Lot 7 shall be 15 feet, and 20 feet from the open side of a garage or carport.
5. That existing trees greater than 9 inches in diameter measured 4.5 feet above grade shall not be removed without prior review and written approval of the Planning Director. In addition, all trees to remain within the subject site shall be protected during home construction. A plan for such protection of the trees within the subject site must be submitted with the building permit application and must meet with the approval of the Planning Director. The Director may permit a reduction or require an increase in normally required setbacks to avoid the removal of existing mature trees. In no case, however, may the front yard setback measured to the open side of a garage or carport be less than eighteen (18) feet.

Passed by the Council this 22nd day of June 1999, by the following votes:

Ayes: Aleman, Hughes, Kirchner, Payne, Rabe, Windle

Nays: _____

Approved this 22nd day of June 1999.



MAYOR

Attest:



RECORDER PRO TEM