

ORDINANCE NO. 4941

An Ordinance rezoning certain property from an R-1 (Single-Family Residential) zone and County VLDR-1 (Very Low Density Residential, One Acre Minimum) zone to an R-4 PD (Multi-Family Residential Planned Development) zone on a parcel of land approximately 3.47 acres in size.

RECITALS

The Planning Commission received an application (CPA 1-10/ZC 3-10/S 1-10) from the McMinnville Area Habitat for Humanity, dated December 28, 2010, requesting a Comprehensive Plan Map amendment from Residential to Commercial, and a Zone Change from an R-1 (Single-Family Residential) zone to a C-1 PD (Neighborhood Business, Planned Development) zone on approximately 14, 293 square feet of a 3.47 acre property. The applicant also requested a zone change from an R-1 (Single Family Residential) zone and County VLDR-1 (Very Low Residential, One Acre Minimum) zone to an R-4 PD (Multi-Family Residential, Planned Development) zone on the balance of this property. Concurrent with these requests, the applicant requested approval of a tentative subdivision plan for the entire property that, if approved, would provide lots for the construction of 21 single-family detached homes, 14 townhomes, open space, and one lot for neighborhood commercial use. The subject site is located at 105 NE Atlantic Street, and is more specifically described as Tax Lot 600, Section 21DD, T. 4 S., R. 4 W., W.M.

A public hearing was held on February 17, 2011 at 6:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on February 9, 2011, and written notice had been mailed to property owners within 300 feet of the affected property. Testimony was received from both proponents and opponents to the proposal and, at the request of the applicant, the February hearing was continued to the Commission's March 17, 2011 meeting. At the March hearing, the Commission received additional testimony and, at the request of the opponents, the record was left open for a period of time to permit the submittal of additional written material. The record was also left open to permit rebuttal by the applicant; and

The Planning Commission reconvened on April 21, 2011 to consider the body of testimony received. As part of this testimony, the applicants requested their original application be amended by removing from their development plans the proposed neighborhood commercial site, thus eliminating the need for the Comprehensive Plan Map amendment from Residential to Commercial. All other elements of the proposal and request remained as originally proposed; and

At said public hearings, testimony was received, the application materials and a staff report were presented. The Planning Commission, being fully informed about the applicant's request, found that the proposed change conformed to the zone change review criteria listed in Chapter 17.74.020 of Ordinance No. 3380, and that the zone change is consistent with the Comprehensive Plan based on 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

The Planning Commission approved said zone change and recommended said change to the City Council. Notice of the Commission's action was mailed on April 22, 2011 to all parties that participated in the hearings advising them of the decision and their appeal rights; and

Subsequent to that notification, on May 9, 2011, an appeal of the Planning Commission's recommendation was filed with the McMinnville Planning Department. Consistent with the requirements of the McMinnville Zoning Ordinance, a public hearing was scheduled before the City Council on June 14, 2011 after due notice had been given in the local newspaper on June 4, 2011, 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 and materials and staff report were presented and a decision reached; and now, therefore,

THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That the Council denies the appeal and adopts the findings and conclusions of the Planning Commission, staff report on file in the Planning Department, and the application filed by the McMinnville Area Habitat for Humanity.

Section 2. That the property described in Exhibit "A," is hereby rezoned from an R-1 (Single-Family Residential) zone and County VLDR-1 (Very Low Residential, One Acre Minimum) zone to an R-4 PD (Multi-Family Residential, Planned Development) zone, subject to the following conditions:

1. That uses within the subject property shall be limited to residential.
2. That the following exceptions to minimum lot size and setback requirements are approved as part of this application:
 - a) Minimum lot size for single-family detached housing shall be 2,835 square feet
 - b) Minimum lot size for single-family attached housing shall be 1,400 square feet
 - c) Single-family detached housing shall have the following minimum setbacks:
 - 15-foot rear-yard setback for lots 5 through 21, applicable to garages only;
 - A 3.5-foot side-yard setback between Lots 1 and 2, and between Lots 3 and 4 applicable to garages only;
 - A 10-foot front-yard setback for covered (front) porches and a 13-foot front-yard setback for all other structures;
 - Zero setback at the northern property line for garages on Lots 5 – 21,
 - Exterior side-yard setback of 10 feet for Lots 2 and 3.
 - d) The subject site shall have a density limit of 11.15 du/gross acre.
3. That final development plans as approved by the Planning Director (see Condition No. 3 in S 1-10) as part of this application shall be placed on file with the Planning Department and become a part of the zone and binding on the owner and developer. The developer will be responsible for requesting permission of the Planning Commission for any major change of the details of the adopted site 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.

4. That signage shall be consistent with the standards noted in Ordinance No.4572.

First Reading: Read and passed by the Council this 28th day of June 2011, by the following votes:

Ayes: Hill, Menke, Ruden, Olson

Nays: Jeffries, May, Yoder

Second Reading: Read and passed by the Council this 12th day of July 2011, by the following votes:

Ayes: Hill, Menke, Ruden, Olson

Nays: Jeffries, May, Yoder

Approved this 12th day of July 2011.



MAYOR

Attest:



CITY RECORDER

Approved as to form:



CITY ATTORNEY

Exhibit "A"

Parcel 1 of Partition Plat 2002-39, recorded November 6, 2002 as Instrument No. 200221958, Deed and Mortgage Records, Yamhill County, Oregon.

