

ORDINANCE NO. 3787

An Ordinance rezoning certain property owned by Ralph W. and Shirley Faulk from City of McMinnville zone Commercial (C-4) and Residential (R-2) to City of McMinnville zone Commercial (C-3) Planned Unit Development.

WHEREAS, the City of McMinnville gave notice of a public hearing to be held on the 15th day of January, 1976 at the hour of 7:00 p.m. in the City Hall before the Planning Commission upon a request for a zone change, Docket No. PD 76-1, under Ordinance No. 3380 for the area described as Tax Lot No. 4416 AA 2800; and

WHEREAS, said public hearing was conducted at the date and time set forth hereinabove, and the plans and intentions of the developer were reviewed by the Planning Commission and the comments and suggestions of adjacent property owners were received and considered; and

WHEREAS, the Planning Commission found that notice of said public hearing was duly given in the News-Register, a City of McMinnville newspaper, and mailed to adjacent property owners within 300 feet of said property to be rezoned in accordance with Ordinance No. 3380; and

WHEREAS, the Planning Commission determined that said proposed zone change would be in accordance with the McMinnville Comprehensive Plan and would be an appropriate use of the property considering its relationship to Wortman Park and Highway 99 W, and having determined that a need for a mixed development of residential and commercial business activity is required, moved that said Planned Unit Development be approved according to said terms and conditions as are attached to this ordinance as Annex "A"; and

WHEREAS, the Common Council being fully advised of the action taken by the Planning Commission and having considered the same; now, therefore,

THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That the Council hereby finds and establishes that the zone changes are consistent with the comprehensive plan and with the planned unit development terms and conditions which are required in Ordinance No. 3380.

Section 2. That the property hereinbelow described is rezoned from City of McMinnville zone designation of Commercial (C-4) and Residential (R-2) to Commercial (C-3) Planned Unit Development. Attached hereto is a map of the area to be rezoned, which is incorporated by this reference and is also referred to by Tax Lot No. 4416 AA 2800.

Section 3. That the attached list of conditions as relating to said property shall be fully complied with by the developer in accordance with the intentions of the Planning Commission and this Council action.

Passed by the Council this 3d day of February, 1976, by the following votes:

Ayes: RENSE, FORTER, DALEY, LEWIS + BARKER

Nays: \_\_\_\_\_

Approved by the Mayor this 3d day of February, 1976.

Harold D. Scott  
MAYOR

Attest:

Marjorie E. Kerwin  
RECORDER

ANNEX "A"

CONDITIONS OF DEVELOPMENT FOR RALPH W. FAULK  
PLANNED UNIT DEVELOPMENT  
PD 76-1

- A. Execution and subsequent recording with the Yamhill County Clerk of a modification of a contract of sale between Dr. Ralph W. Faulk and Gene Nesbitt to provide additional parking space for McMinnville Veterinarian Clinic to meet requirements of Ordinance No. 3380.
- B. Execution, for the benefit of the City of McMinnville, of an open space easement over the property immediately adjacent to Wortman Park at a width equal to twenty feet, and an open space easement over the property west of the multiple-family unit to be constructed. Dimensions and property description are to be prepared by the City of McMinnville engineering department based upon the drawing on file with the City.
- C. Access and parking for the multiple dwelling unit shall be as shown in the plan on file with the City Engineer.
- D. A water main and hydrant shall be installed for fire protection. The main, hydrant, and location will be according to specifications of the fire department and the cost thereof shall be paid by the developer.
- E. Apartment building design, materials, sizes and location shall generally be in accordance with plans and drawings presented to the Planning Commission and on file with the City. The staff will make the determination that the design is in accordance with the direction of the Planning Commission.
- F. Landscaping of the premises shall be generally in accordance with the site plan on file with the City. Plantings shall be of a kind and size which will enhance their chances of survival. The staff shall give final review of the landscaping design of the project. Landscaping shall be completed within six months of occupancy.
- G. Commercially developed area shall be generally in accordance with the design plans and landscaping plans as presented to the Planning Commission. The staff will make the final determination in order that the intent of the Planning Commission is carried out.

ORD 3787