

ORDINANCE NO. 3900

An Ordinance rezoning certain property from existing City of McMinnville R-2 (Single-family Residential) to R-2 PD zone (Single-family Residential Planned Development).

WHEREAS, the Planning Commission received an application for a zone change and planned unit development, Docket No. ZC 12-77, from Mr. Anthony E. Bell, on property located on the east side of South Davis Street approximately 600' south of the intersection of South Davis Street and Morgan Lane, also lying west of the westerly terminus of Border Lane, further described as Tax Lot 4428 BC-300, on December 5, 1977; and

WHEREAS, a public hearing was held on the 19th day of January, 1978, at 7:00 p.m. before the Planning Commission after due notice had been given in the local newspaper on January 6, 1978 and written notice had been mailed to property owners within 300 feet of the affected property; and

WHEREAS, at said public hearing the testimony of the applicants and surrounding property owners was received and a staff report was presented; and

WHEREAS, the Planning Commission being fully informed about said planned unit development, found that a need existed for said single-family housing development based upon the material submitted by the applicant and the conclusions contained in the staff report, all of which are on file in the Planning Department, and that said zone change would be consistent with the comprehensive plan; and

WHEREAS, the Planning Commission approved said plan subject to the conditions set forth in the Planning Commission minutes being met in full and have recommended said zone 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 Mr. Anthony E. Bell.

Section 2. That the following described property shall be rezoned from existing City of McMinnville R-2 (Single-family Residential) to City of McMinnville R-2 PD zone (Single-family Residential Planned Unit Development), subject to the following conditions:

- (a) That approval of storm sewer system be given by the City Engineer.
- (b) That a five-foot utility easement be designated on the plat for all streets shown as having a fifty-foot right-of-way width, and a five-foot utility easement be designated around the bulb of the cul-de-sac on Queenborough Court.
- (c) That the applicant sign a waiver of remonstrance for future street improvements for Lot 1 of Block 4.
- (d) That a strip of land 10 feet in width be dedicated to the City along that portion of the subdivision which adjoins South Davis Street.

(e) That in lieu of setting aside an area of parkland within the proposed subdivision, the applicant pay into the Park Betterment Fund the appropriate fee as provided in Section 35 of the City of McMinnville Subdivision Ordinance No. 3702.

(f) That at the request of the applicant Queensborough Court and Street be renamed Queenborough Court and Street, respectively.

(g) That two-story duplex lots be identified on the preliminary plat which is on file in the Planning Department.

(h) That drainage of those parcels on Kent Street be subject to approval by City Engineer.

Section 3. That the description of the property to be rezoned is shown in Exhibit "A" which is attached hereto and by this reference incorporated herein.

Section 4. That this ordinance shall be subject to the terms and conditions of Ordinance No. 3823, entitled Initiative and Referendum, for a period of thirty days.

Passed by the Council this 7 day of February, 1978, by the following votes:

Ayes: Willoughby, Hamby, Fax, Daley and Lewis

Nays: _____

Approved by the Mayor this 7 day of February, 1978.


MAYOR

Attest:


RECORDER

EXHIBIT "A"

-----PARCEL 1: A tract of land in the Samuel Cozine Donation Land Claim No. 56 in Section 28, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

Beginning in the center of the County Road at a point 25.22 chains West and 16.26 chains North of the Southeast corner of said Donation Land Claim; thence North along the center of said County Road to a point in the center of said road where the North line of the tract of land conveyed by John Lynch to A. K. Mark by deed recorded September 6, 1890 in Book 23, Page 510, Deed Records, continued Westward would strike; thence East across said Road and along the North line of said Mark tract, 15.86 chains to the Northeast corner of said Mark tract; thence South 6.36 chains to the Southeast corner of said Mark tract; thence West 15.86 chains to the place of beginning. Excepting that portion lying within the public roadway.

ALSO EXCEPTING a tract described as beginning at a point on the East margin of South Davis Street at the Northwest corner of that tract conveyed to Dick Reyne and wife by deed recorded September 30, 1929 in Book 102, Page 28, Deed Records, which point is 1644.5 feet West and 1489.2 feet North of the Southeast corner of the Samuel Cozine Donation Land Claim No. 56; thence North 89°26' East 250 feet along the North line of said Reyne tract; thence South 0°24' East 259.3 feet to a point 25 feet South 0°24' East of the Southeast corner of the George Schulz and wife tract, described in deed recorded March 21, 1962 in Film Volume 21, Page 709, Deed and Mortgage Records; thence North 89°53' West 250 feet to the East margin of said Davis Street; thence North 0°24' West 256.33 feet to the place of beginning.

PARCEL 2: A tract of land in the Samuel Cozine Donation Land Claim No. 56 in Section 28, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

Beginning at a point on the East margin of South Davis Street in the City of McMinnville, which point is 1644.5 feet West and 1370.9 feet North of the Southeast corner of the Samuel Cozine Donation Land Claim; thence South 89°53' East 250 feet to the Southeast corner of tract conveyed to William J. Ramsey and Rosemary F. Ramsey by deed recorded May 7, 1953 in Book 169, Page 618, Deed Records; thence South 0°24' East 113 feet to the TRUE point of beginning; thence South 0°24' East 25 feet; thence North 89°53' West 250 feet to the East margin of South Davis Street; thence North 0°24' West along the East margin of said Davis Street 25 feet; thence South 89°53' East 250 feet to the TRUE point of beginning.-----

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