

ORDINANCE NO. 4010

An Ordinance rezoning certain property from existing City of McMinnville zone of R-4 (Multi-family Residential) designation to a C-3 (General Commercial) designation on a parcel of land located at the northeast corner of 19 and Baker Streets.

WHEREAS, the Planning Commission received an application for a zone change (ZC 6-79) from Terry A. Tindle dated March 16, 1979 on the property described as Tax Lot 3900, Section 16CB, T. 4 S., R. 4 W., Willamette Meridian.

WHEREAS, a public hearing was held on April 12, 1979 at 7:00 p.m. before the Planning Commission after due notice had been given in the local newspaper on April 2, 1979 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 zone change, and based on the observations and the findings of fact has 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 Terry A. Tindle (as modified by the Planning Commission).

2. That the following described property shall be rezoned from existing City of McMinnville zone of R-4 (Multi-family Residential) designation to a C-3 (General Commercial) designation, subject to the following conditions:

(a) The applicant shall dedicate to the public five-feet of additional right-of-way the entire length of the subject parcel's frontage on 19 Street before the zone change may become effective;

(b) Any building erected on the said property at a future date will be subject to the provisions of the City Zoning Ordinance 3380, Section 4.050, regarding clear vision areas. Further, a tree now existing on the said property shall be subject to this same ordinance at such time that the zone change becomes effective. According to the ordinance, branches on the tree will have to be trimmed to a height of eight-feet.

3. That the property to be rezoned is described as follows:

Being a part of Lot 14 in JOFLING'S SUBDIVISION in the John C. Baker Donation Land Claim, Notification No. 1214, Claim No. 48, in Section 16, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, and beginning at a point South 89°55' East 30.04 feet and North 2°50' East 20.02 feet from the Southwest corner of said Lot 14; thence South 89°55' East along the North margin of Progress Drive 110 feet; thence North 2°50' East 137.72 feet to the Southeast corner of the property conveyed to Velton Bynum and wife by Deed recorded in Book 159, Page 268, Deed Records; thence North 89°55' West 110 feet to the East margin of Market Road No. 9; thence South 2°50' West 137.72 feet to the place of beginning.

Section 4. That this ordinance shall be subject to the terms and conditions of Ordinance 3823, entitled "Initiative and Referendum," for a period of thirty days.

Passed by the Council this 1 day of MAY, 1979, by the following votes:

Ayes: PORTER, HANBY, SPRINGER, WILSON + ALLEN

Nays: _____

Approved by the Mayor this 1 day of MAY, 1979.

Norman R. Heath
MAYOR

Attest:

Margie E. Kern
RECORDER