

ORDINANCE NO. 4013

An Ordinance rezoning certain property from existing City of McMinnville zone of M-2 (General Industrial) to a C-3 (General Commercial) designation on a parcel of land approximately 9,000 square-feet in size located between Fifth and Seventh Streets on Lafayette Avenue.

WHEREAS, the Planning Commission received an application for a zone change (ZC 5-79) from Robert Dale Rollins dated March 13, 1979 on the property described as Tax Lots 5000, 5100, and 5200, Section 21 BA, T. 4 S., R. 4 W., Willamette Meridian; and

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 only testimony received from a surrounding property owner was in opposition to the requested change; a staff report was presented; and

WHEREAS, the Planning Commission being fully informed about said zone change and having considered the observations and the findings of fact, voted to deny the requested change; and

WHEREAS, on April 20, 1979 an appeal of the decision referred to above was received from Robert Dale Rollins, and the Council set the hour of 9:00 p.m., May 22, 1979 to consider the appeal and the matter came on for hearing as scheduled, and the testimony of the appellant and the adjoining property owners being heard and considered, the Council adopted the findings and facts presented by the staff and revised the decision of the Planning Commission and approved the zone change; now, therefore,

THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That the Council adopts the staff report and the addendum on file in the Planning Department, and the application filed by Robert Dale Rollins.

Section 2. That the property described in Exhibit "A," which is attached hereto and by this reference incorporated herein, shall be rezoned from existing City of McMinnville zone of M-2 (General Industrial) to a C-3 (General Commercial) zone.

Section 3. 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 5th day of June, 1979, by the following votes:

Ayes: Willoughby, Hamby, Allen, Springer, Wilson, Porter

Nays: _____

Approved by the Mayor this 5th day of June, 1979.

Attest:

Margaret E. Kerber
RECORDER

Harold R. Scott
MAYOR

EXHIBIT "A"

Parcel I

Beginning at a point on the Northerly line of Block 1 of OAK PARK ADDITION to the City of McMinnville, said point being 4 feet North 52°03' West from the Northeast corner of Lot 3 of said Block 1; running thence South 37°57' West 66.95 feet to a point on an old fence line; thence South 44°41' East along said old fence line and said fence line projected 41.3 feet; thence North 37°57' East 72.25 feet to the Northerly line of Lot 2 in said Block 1; thence North 52°03' West to the place of beginning.

Parcel II

Lot 2, Block 1, OAK PARK ADDITION to the City of McMinnville, Yamhill County, State of Oregon,

EXCEPT that portion conveyed to Mary Engles by deed recorded October 24, 1934 in Book 109, Page 468, Deed Records,

Parcel III

Beginning at the most Easterly corner of Lot 1 in Block 1 in OAK PARK ADDITION to the City of McMinnville in Yamhill County, Oregon; thence Southwesterly along the Northwesterly line of Lafayette Avenue to its intersection with the North line of Fifth Street in said City; thence West along the North line of Fifth Street, 55.50 feet to the Southeast corner of tract conveyed to Buchanan and Cellers Grain Co. by deed recorded January 30, 1937 in Book 112, Page 199, Deed Records; thence North 63.5 feet to the Southwesterly line of tract conveyed to Leona M. Fisher et al by deed recorded November 15, 1949 in Book 155, Page 289, Deed Records; thence South 44°41' East 18.98 feet to the most Southeasterly corner of said Fisher tract; thence North 37°57' East along the Southeasterly line of said Fisher tract, 22.25 feet to the Northeasterly line of said Lot 1; thence Southeasterly along the Northeasterly line of said Lot 1, to the place of beginning.