

ORDINANCE NO. 4107

An Ordinance rezoning certain property from existing City of McMinnville R-1 (Single-family Residential) zone to an R-2 PD (Single-family Residential Planned Development) on a parcel of land approximately 32.47 acres in size, which is located adjacent to the Tall Oaks Second Addition Subdivision.

RECITALS:

The Planning Commission received an application for a zone change and planned unit development, Docket No. ZC 15-80, from Leavitt NU Pacific and 109 Properties, dated August 7, 1980, on the property described as a portion of Parcel 4429-100; and

A public hearing was held on the 11th day of September, 1980, at 7:00 p.m. before the Planning Commission after due notice had been given in the local newspaper on September 1, 1980 and written notice had been mailed to property owners within 300 feet of the affected property; and the Planning Director requested that the item be continued because staff found the application did not comply with the subdivision ordinance; and

A continued hearing was held on October 9, 1980, at 7:00 p.m. before the Planning Commission; and at said public hearing the testimony of the applicant and surrounding property owners was received and a staff report was presented; and

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

The Planning Commission approved said zone change subject to the conditions listed hereinbelow and 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 Leavitt NU Pacific and 109 Properties.

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 R-1 (Single-family Residential) zone to an R-2 PD (Single-family Residential Planned Development), subject to the following conditions:

- (a) That a site plan of the multi-family units must be submitted to and approved by the Planning Commission. The multi-family projects must be nonlinear in design, the parking lots must be broken up by landscaping, and the number of units must be limited to the numbers listed on the tentative plan. Any design review criteria for multi-family developments adopted by the City prior to approval of the site plans shall be adhered to.

- (b) The trees which cross the northern multi-family site must be preserved, although the trees may be thinned and the area may be brushed for aesthetic purposes.
- (c) After the adjustments required by the subdivision approval are made, a corrected tentative plan shall be placed on file with the Planning Department and become a part of the zone and binding upon the owners and developer.

The developer is responsible for requesting permission of the Planning Commission for any major change of the details of the adopted 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.

- (d) That either Fleishauer Lane, Agee Street, or Cypress Street be improved to City standards prior to any building permits being issued for the Tall Oaks Third Addition Subdivision.

Passed by the Council this 4 day of November, 1980, by the following votes:


Ayes: Smith, Gale, Allen, Wilson and Hamby

Nays: _____

Approved this 4 day of November, 1980.


MAYOR

Attest:


RECORDER

Legal Description for TALL OAKS 3rd Addition

McMinnville, Oregon

A tract of land situated in the City of McMinnville, County of Yamhill, State of Oregon, being a portion of the Samuel F. Stagg Donation Land Claim No. 55 in Sections 20 and 29, Township 4 South, Range 4 West of the Willamette Meridian, more particularly described as follows:

Beginning at a point on the South line of the duly recorded plat of "FAIRLAWN SUBDIVISION" as recorded in Book 1 of Plats at Page 21, Records of Yamhill County, Oregon, said point being South 2200.00 feet and South 89°44'21" West 815.06 feet from the North-east corner of said Samuel F. Stagg D.L.C.; thence from the point of beginning South 30.00 feet to a point on the North line of that tract of land described as an exception in the "Memorandum of the execution of a contract" between Willard L. Cushing, et al, and Arnold J. Santilli, et al, as recorded in Film 117 at Page 1557, Records of Yamhill County, Oregon; thence North 88°58'44" West along said North line 201.37 feet to the Northwest corner thereof; thence South 100.00 feet to the Southwest corner thereof; thence South 88°58'44" East along said South line 201.37 feet; thence South 49.86 feet to a point of curvature; thence along the arc of a 470.00 foot radius curve to the right through a central angle of 6°16'40", an arc distance of 51.50 feet, (the chord bears South 3°08'20" West 51.47 feet) to a point of compound curvature; thence along the arc of a 20.00 foot radius curve to the right, through a central angle of 84°47'31", an arc distance of 29.60 feet, (the chord bears South 48°40'26" West 26.97 feet) to a point of reverse curvature; thence along the arc of a 530.00 foot radius curve to the left, through a central angle of 3°09'53", an arc distance of 29.27 feet, (the chord bears South 89°29'15" West 29.27 feet) to a point; thence South 2°06'11" East 156.52 feet; thence South 79°56'02" East 24.89 feet; thence South 237.43 feet; thence South 78°13'59" West 310.07 feet; thence South 71°48'21" West 157.73 feet to a point of curvature; thence along the arc of a 595.00 foot radius curve to the right, through a central angle of 2°52'34", an arc distance of 29.87 feet, (the chord bears South 16°45'22" East 29.86 feet) to a point; thence South 71°25'04" West 99.72 feet; thence North 18°34'56" West 60.00 feet; thence South 68°23'35" West 165.00 feet; thence South 25°05'49" West 138.16 feet; thence South 0°15'36" East 395.00 feet to a point in the North line of that tract conveyed to Lyle Farrow and wife by Deed Recorded May 3, 1966 in Film Volume 52, Page 547, Deed and Mortgage Records; thence South 89°44'21" West along said North line 310.00 feet to the Southeast corner of that tract conveyed to School District No. 40 by Deed Recorded October 1, 1975 in Film Volume 108, Page 731, Deed and Mortgage Records; thence North 0°00'03" West along said East line 723.00 feet to the Northeast corner thereof; thence South 89°44'21" West along said North line 723.00 feet to the West line of the Stagg D.L.C.; thence North 0°00'03" West along said West line 617.81 feet to the South line of the aforementioned "Fairlawn Subdivision"; thence North 89°44'21" East along said South line 1823.84 feet to the point of beginning. Containing an area of 32.4689 acres, more or less.