

ORDINANCE NO. 4304

An Ordinance approving a zone change request from and R-2 (Single-family Residential) zone to and R-2 PD (Single-family Residential Planned Development) zone on approximately 2.76 acres located in the Brockwood Hill area.

RECITALS:

The applicants, Barry W. House and Marilyn Dell, filed on June 15, 1984 for a zone change on property identified as Tax Lot 300, Section 20 DB, and Tax Lot 5000, Section 20 DA, T. 4 S., R. 4 W., W.M. This matter was processed as docket item ZC 2-84; and

The matter came on for hearing before the Planning Commission on September 13, 1984. Public notice of the hearing was given in the News Register on September 5, 1984 and written notice was given to surrounding property owners as required by City Ordinance No. 3380; and

At the hearing, the Planning Commission received the testimony of the applicants, other proponents and opponents, the staff report, and staff recommendation. After closing the hearing a full discussion of the request was held by the Commission, but they were unable to reach a decision. As a consequence, the matter was tabled until 7:30 a.m. on September 18, 1984; and

At the September 18, 1984 meeting, the Commisison again considered the application. After discussion the Commission voted to deny the requested zone change by a five to three vote; and

Subsequent to the September 18, 1984 meeting, the applicants (Marilyn Dell and Barry House) filed an appeal of the Planning Commission decision (to deny their zone change request) with the City Recorder. At the September 18, 1984 noon Council meeting, the appeal filed by House and Dell was considered and the matter was set for a public hearing before the Council on October 2, 1984 at 8:15 p.m.; and

At the Council hearing conducted on October 2, 1984, the testimony of proponents and opponents and the materials prepared by staff were received into evidence. After closing the hearing, the Council fully discussed the evidence, the conditions suggested by staff, and the willingness of the applicants to conform to those requirements. Approval of ZC 2-84 was then given by unanimous Council vote and staff was instructed to submit an appropriate ordinance; and

STAFF NOTE: The following terms incorporate the Council's instructions. However, part of the conditions for approval are not set forth in this ordinance in as much as they are incorporated on the face of the subdivision plat which accompanied this zone change request. Staff is submitting that for approval as a routine matter: Please see Planning Director's memo dated October 11, 1984 in regard to that subdivision; now, therefore,

THE CITY OF McMinnville ORDAINS AS FOLLOWS:

Section 1. That the Council approves ZC 2-84 based upon the evidence submitted by the applicants (Marilyn Dell and Barry House), the testimony received during the public hearing, and the findings and conclusions of the staff report recommending approval of said ZC 2-84.

Section 2. That ZC 2-84 requesting a change of the existing R-2 zone (single-family residential) to an R-2 PD zone (single-family residential planned development) on property described as Tax Lot 300, Section 20 DB, and Tax Lot 5000, Section 20 DA, T. 4 S., R. 4 W., W.M. (totaling 4.2 acres) as described in Exhibit "A" is hereby approved subject to the following conditions:

1. That a revised plan be submitted reflecting the requirements set forth in this section and in the conditions of approval for the accompany subdivision and the revised plan shall be placed on file with the Planning Department and shall become part of the zone and binding on the owner(s) and developer(s).

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.


2. The edge of the private drive shall be reinforced with some type of concrete curbing. A surface level curb, a roll curb, or a standard curb shall be acceptable.
3. That the parkland noted on the face of the tentative plan be dedicated to the City at the time of hard platting.
4. That all garages be setback a minimum of 18 feet from the street.
5. That a document creating a homeowner's association and detailing the responsibilities for maintenance of common areas and the private drive be prepared, submitted to, and approved by the Planning Commission.
6. That an agreement satisfactory to the Fire Chief and Police Chief be entered into between the property owners and the City to ensure that the City has police powers on the private drive.
7. That a fence or living hedge acceptable to the Planning Director be constructed (or planted) along Arthur Street.
8. That "no parking" signs meeting City specifications be installed and maintained at the owner's expense along the private drive.

Passed by the Council this 23rd day of October, 1984, by the following votes:

Ayes: Macy, Hanson, Wilson, Gale, and Gormley

Nays: _____

Approved this 23rd day of October, 1984.



COUNCIL PRESIDENT

Attest:



CLERK PRO TEM