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ORDINANCE NO. 4504

An ordinance rezoning certain property from an R-4 PD (Multiple-family Residential Planned Development) zone to an R-2 PD (Single-family Residential Planned Development) zone on approximately 3.3 acres of land located west of the northerly terminus of Pacific Street and east of Three-Mile Lane, and repealing Ordinance No. 4164.

RECITALS:

The Planning Commission received an application from Bud and Dorothy Springer et al., for a zone change (ZC 4-91) dated August 8, 1991, for property located west of the northerly terminus of Pacific Street and east of Three-Mile Lane, further described as Tax Lot 900, Section 21DD, T. 4 S., R. 4 W., W.M.

A public hearing was held on September 12, 1991, at 7:30 p.m. before the Planning Commission after due notice had been given in the local newspaper on September 4, 1991, and written notice had been mailed to property owners within 300 feet of the affected property; and

At said public hearing, testimony was received, the application materials and a staff report were presented; and

The Planning Commission, being fully informed about said request, found that said change conformed to the review criteria listed in Chapter 17.72.035 of Ordinance No. 3380 based upon the material submitted by the applicant and findings of fact and the conclusionary findings for approval contained in the staff report, all of which are on file in the Planning Department, and that the zone change is consistent with the Comprehensive Plan; and

The Planning Commission approved said zone change and has recommended said change to Council; and

On September 27, 1991 an appeal of the decision referred to above was received from several area property owners, and the City Council set the hour of 8:15 p.m., November 12, 1991 to consider the appeal, and the matter came on for hearing as scheduled; and

New testimony was received as was the entire record of the previous Planning Commission hearing on the matter, and the Council found that based on the testimony received, the findings of fact, the conclusionary findings for approval, and the previous record received, the Planning Commission had made the correct decision and that that decision should be sustained and the appeal denied; 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 Bud and Dorothy Springer et al.

Section 2. That the property described in Exhibit "A," which is attached hereto and incorporated herein by this reference, is hereby rezoned from an R-4 PD (Multiple-family Residential Planned Development) zone to an R-2 PD (Single-family Residential Planned Development) zone, subject to the following conditions:

- (a) That existing trees greater than 6 inches in diameter (measured three feet from the ground) shall not be removed without prior review and written approval of the Planning Director. The Director may permit a reduction in required setbacks to avoid the removal of existing trees. In no case shall the front side of a garage be placed less than 18 feet from the curb.
- (b) That a 10-foot wide pedestrian easement be provided, centered on the side property line common to Lots 6 and 7 and connecting Quail Ridge Place to State Highway No. 39 (McMinnville Spur).
- (c) That the centerline radius of the two curves on Quail Ridge Place be redesigned to the satisfaction of the City Engineer and the Planning Director.
- (d) That the applicant relocate the proposed cul-de-sac a minimum of 30 feet east, and that affected lot lines be adjusted accordingly. Such redesign must gain the approval of the Planning Director.
- (e) That a revised Quail Ridge Tentative Plan be placed on file with the Planning Department and that it become a part of the zone and binding on the property owner and developer.

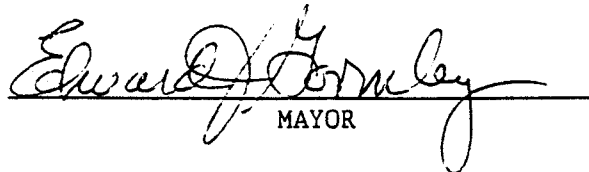
Section 3. Ordinance No. 4164 is hereby repealed in its entirety.

Passed by the Council this 26th day of November 1991, by the following votes:

Ayes: Aleman, Windle, Hansen, Massey, Blanchard

Nays: _____

Approved this 26th day of November 1991.


MAYOR

Attest:

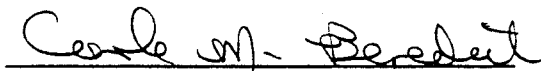

RECORDER

EXHIBIT "A"

Being a part of the Nehemiah Martin Donation Land Claim No. 83, Notification No. 1436, Township 4 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon, and being more particularly described as a portion of the following tract lying easterly of Oregon State Highway No. 152, to-wit:

Beginning at a point 1.19 chains South of the Northeast corner of that tract conveyed by a deed recorded in Book 'X', Page 149, October 28, 1885 and as located by County Survey No. 928, dated October 26, 1885; thence following County Survey 953, dated February 8, 1886, North (Var 21° East) 5.25 chains to Northwest corner of original 4 acre tract; thence East (Var 21° East) 7.62 chains; thence South (Var 21°20' East) 5.25 chains; thence West 7.62 chains to place of beginning and excepting therefrom those tracts conveyed to the State of Oregon Highway Commission by deeds recorded in Volume 155, Page 427, Volume 155, Page 496, Volume 157, Page 01, Volume 161, Page 503 and Film Volume 22, Page 118, Deed Records of Yamhill County, Oregon.