

ORDINANCE NO. 4562

An Ordinance rezoning certain property from a City R-1 (Single-Family Residential) zone to a City R-4 PD (Multi-Family Residential Planned Development) zone on approximately 2.5 acres of land located at 1100 N. Hill Road.

RECITALS:

The Planning Commission received an application from Wallace and Donna Wright for a zone change (ZC 15-93), dated December 13, 1993, for the property described as Tax Lot 500, Section 18, T. 4 S., R. 4 W., W.M.

A public hearing was held on January 13, 1994, at 7:30 p.m. before the Planning Commission after due notice had been given in the local newspaper on January 1, 1994, 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; 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 Wallace and Donna Wright.

Section 2. That the property described in Exhibit "A," which is attached hereto and incorporated herein by this reference, is hereby rezoned from a City R-1 (Single-Family Residential) zone to a City R-4 PD (Multi-Family Residential Planned Development) zone, subject to the following conditions:

(a) That the applicant submit a detailed site plan and building elevations to the Planning Commission for review and approval prior to construction of the proposed condominium units. The units must be nonlinear in design and parking areas must be broken up by landscaping. Surrounding property owners shall be notified of the date the Planning Commission will be reviewing the site plans and elevations.

(b) That an agreement, satisfactory to the Fire Chief and the Police Chief, be entered into between the property owner(s) and the City to

insure that the City has police powers on the private street, if such a street is proposed.

(c) That a detailed storm drainage plan, which incorporates the requirements of the City's Storm Drainage Master Plan, must be submitted to and approved by the City Engineering Department. Any utility easements needed to comply with the approved plan must be reflected on the plan and recorded with the Yamhill County clerk's office.

(d) That any restrictive covenants prepared for the development must meet with the approval of the Planning Director.

(e) That all fill placed in the areas where building sites are expected shall be engineered and shall meet with the approval of the City Building Division and the City Engineering Department.

(f) That the sanitary sewer system be designed to meet with the approval of the City Engineer. That the municipal water system be designed to meet with the approval of the Water and Light Department. Utility easements as required shall also be provided and shown on the final site plan.

(g) That fire hydrants be provided in accordance with the City Fire Marshall prior to occupancy of the proposed condominium units.

(h) That the access drive from Hill Road be constructed by the applicant as part of the condominium development. The design of the access drive shall be in accordance with Planning Commission and City Engineer requirements. If the condominium development occurs during or after the proposed realignment of Hill Road, then the applicant shall work with Hillside Manor and other affected parties to design and construct a single access drive to serve Hillside Manor's development (cottages and retirement center) and the subject site. Said design shall be approved by the City Engineer prior to construction and a maintenance agreement be approved by the Planning Director or City Engineer.

(i) That access from Hill Road, other than that which currently exists, shall be prohibited.

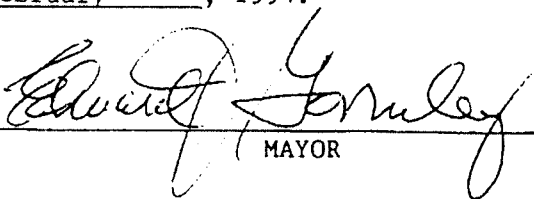
(j) That density on the subject site shall be limited to a maximum of 12 dwelling units.

Passed by the Council this 8th day of February, 1994, by the following votes:

Ayes: Aleman, Payne, Massey, Kirchner, Windle

Nays: _____

Approved this 8th day of February, 1994.


MAYOR

Attest:

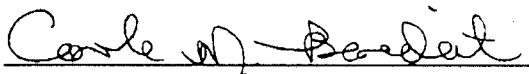

RECORDER

EXHIBIT "A"

A tract of land in the Southeast 1/4 of Section 18, Township 4 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon, being a part of that tract of land described in deed from Manning to W. G. Wright and Donna Wright and recorded on January 14, 1970 in Volume 78, Page 571, Deed Records of Yamhill County, and being more particularly described as follows:

Beginning at the Southwest corner of that tract of land described in deed from James A. Johnson to David Stout and recorded in Book "T", Page 508, Deed Records of Yamhill County, Oregon, said Southwest corner being 2,514.18 feet North $89^{\circ}25'41''$ West, 5,304.37 feet South $00^{\circ}12'11''$ West (Bearings and distances from Park Meadows First Addition plat, a duly recorded subdivision plat in Film 3, Page 452-453, Record of Town Plats in Yamhill County clerk's office) of the Northeast corner of Section 18; thence North $00^{\circ}12'11''$ West along the West line of said Stout tract, a distance of 269.38 feet to the Southwest corner of that tract conveyed to Alan A. Ruden and Judy A. Ruden by deed recorded in Film Volume 293, Page 1378, Deed Records of Yamhill County, Oregon; thence South $89^{\circ}37'47''$ East and along the South line of said Plat, a distance of 390.88 feet to the Southeast corner of said Plat and Southeast corner of Ruden tract; thence South $00^{\circ}44'11''$ West, a distance of 270.37 feet to the South line of tract as described in Volume 78, Page 571; thence North $89^{\circ}29'50''$ West, a distance of 189.71 feet; thence following County Survey C.S. 4100, Volume N, Page 215, Yamhill County Surveyor Records, South, a distance of 36.65 feet; thence North $89^{\circ}28'$ West, a distance of 198.66 feet; thence North, a distance of 36.65 feet to the Southwest corner of Stout and the Beginning Point of this description.