

ORDINANCE NO. 4596

An Ordinance rezoning approximately 11.86 acres of land from an R-1 (Single-Family Residential) zone and a County EF-40 (Exclusive Farm Use - 40-acre Minimum) zone to an R-4 PD (Multi-Family Residential Planned Development) zone. The site is located north of the intersection of West Second Street and Cypress Street and is described as Tax Lot 401, Section 19, T. 4 S., R. 4 W., W.M.

RECITALS

The Planning Commission received an application (ZC 5-95) from Ramon and Celeste Duyn and the J. C. Reeves Corporation, dated May 6, 1995, for a zone change from an R-1 (Single-Family Residential) zone and a County EF-40 (Exclusive Farm Use - 40-acre Minimum) zone to an R-4 PD (Multi-Family Residential Planned Development) zone on approximately 11.86 of land located north of the intersection of West Second Street and Cypress Street and which is described as Tax Lot 401, Section 19, T. 4 S., R. 4 W., W.M.

A public hearing was held on May 25, 1995, at 7:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on May 20, 1995, 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 zone change 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 the City of McMinnville.

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-1 (Single-Family Residential) zone and a County EF-40 (Exclusive Farm Use - 40-acre Minimum) zone to an R-4 PD (Multi-Family Residential Planned Development) zone, subject to the following conditions:

1. That development on the single lot located south of Lot 41 and north of Lot 40 shall be limited to a maximum of twenty (20) townhomes each of which shall be situated on an individual lot, as created through subsequent replatting by the applicant, in compliance with applicable R-4 zone standards. Alternately, a condominium plat may be approved with a

maximum of twenty (20) units and meeting the requirements of the R-4 zone and applicable Oregon Revised Statutes.

2. That the revised tentative subdivision plan as approved by the Planning Director be placed on file with the Planning Department and that it become part of the zone and binding on the property owner 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.


Passed by the Council this 11th day of July 1995, by the following votes:

Ayes: Kirchner, Massey, Olson, Windle

Nays: _____

Abstain: Payne

Approved this 11th day of July, 1995.


MAYOR

Attest:



RECORDER

EXHIBIT "A"

Being a part of PARCEL 3 of PARTITION PLAT 1993-11, a duly recorded PARTITION PLAT in Film 3, Page 337, Clerk's Office Records of Yamhill County, Oregon and being a tract in the Solomon Beary Donation Land Claim No. 54 in the Northeast 1/4 of Section 19, Township 4 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon and being more particularly described as follows:

Beginning at a Point on the Present City Limits Boundary, which is 198.58 feet North 89°45'56" East and 180 feet North 00°07'01" East from the Northwest corner of the S. F. Stagg Donation Land Claim No. 55; thence North 00°07'01" East along the East line of said PARCEL 3, a distance of 1,315.53 feet to the Northeast corner of said PARCEL; thence South 89°37'27" West, a distance of 366.59 feet to the Northwest corner of said PARCEL; thence South 00°00'03" West, a distance of 1,314.98 feet to the Present City Limits Boundary; thence easterly parallel with and 180 feet from the centerline of West 2nd Street, along Present City Limits, a distance of 363.6 feet to the Beginning Point of this description and containing 11.02 Acres, more or less.