

ORDINANCE NO. 4607

An Ordinance rezoning certain property from an R-1 (Single-Family Residential) zone to an R-1 PD (Single-Family Residential Planned Development) zone on 5.02 acres of land located north of Three-Mile Lane and east of Atlantic Street.

RECITALS:

The Planning Commission received an application from Roy Powell for a zone change (ZC 19-95), dated November 20, 1995, for the property described as Tax Lot 900, Section 22CC, T. 4 S., R. 4 W., W.M.

A public hearing was held on January 11, 1996, at 7:30 p.m. before the Planning Commission after due notice had been given in the local newspaper on January 6, 1996, 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 Roy Powell.

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

1. That existing trees greater than 9 inches DBH (diameter at breast height) shall not be removed without prior review and written approval of the Planning Director. In addition, all trees shall be protected during home construction. A plan for such protection must be submitted with the building permit application and must meet with the approval of the

Planning Director. The Director may permit a reduction or require an increase in normally required setbacks to avoid the removal of existing trees. In no case shall the front opening of a garage be less than 18 feet from the back edge of the sidewalk, unless an off-street parking space is provided elsewhere on the site outside of the garage.

2. That the Village at River Park tentative plan (or as may be revised by conditions for approval of this development) 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.

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 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.

3. That the lot depth to width ratio standard, as noted in Section 32 (s)(1) of the McMinnville Land Division Ordinance, is waived for Lots 1 through 8 and Lot 13.
4. That the applicant provide a buffer along the subject site's east property line for the purpose of minimizing noise impacts from adjacent industrial related activities.

Passed by the Council this 13th day of February, 1996, by the following votes:

Ayes: Huches, Kirchner, Massev, Pavne, Tomcho, Windle

Nays: \_\_\_\_\_

Approved this 13th day of February, 1996.

  
\_\_\_\_\_  
MAYOR

Attest:

  
\_\_\_\_\_  
RECORDER

EXHIBIT "A"

Being a portion of the Nehemiah Martin Donation land Claim No. 83 situated in the Southeast 1/4 of Section 21, and in the Southwest 1/4 of Section 22, Township 4 South, Range 4 West, Willamette Meridian, City of McMinnville, Yamhill County, Oregon, and being more particularly described as follows:

Beginning at a point at the Northeast corner of that tract of land described in deed recorded in Film Volume 174, Page 1389, Yamhill County Deed Records, said point being North 89° 30' 00" West, 22.44 feet, North 00° 01' 00" East, 807.08 feet, and South 89° 44' 00" East, 485.43 feet from the Southwest corner of Said Section 22; thence along the North line of said Film Volume 174, Page 1389, North 89° 44' 00" West, 340.28 feet; Thence along the East line of that tract of land described in deed recorded in Film Volume 120, Page 1575, North 00° 00' 21" East, 75.01 feet; thence along the South line of that tract of land described in deed recorded in Film Volume 199, Page 1482, South 89° 44' 00" East, 20.03 feet; thence along the East line of said tract of land, North 00° 03' 04" East, 100.02 feet; thence along the North line of said tract of land, North 89° 44' 00" West, 165.23 feet to the Easterly right of way line of Atlantic Street; thence along said right of way and northern extension thereof, North 00° 01' 00" East, 471.94 to the center of the South Yamhill River; thence along said centerline the following courses; South 72° 10' 13" East, 118.25 feet; thence South 27° 48' 19" East, 35.89 feet; thence South 56° 14' 23" East, 53.03 feet; thence South 88° 36' 37" East, 96.87 feet; thence South 74° 37' 00" East, 223.13 feet; thence leaving said centerline along the West line of that tract of land described in deed, recorded in Volume 24, Page 183, South 00° 01' 00" West, 490.27 feet to the point of beginning, and containing 5.58 acres.