

ORDINANCE NO. 4625

An Ordinance rezoning approximately 3.5 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 West Second Street and east of Hill Road and is described as Tax Lot 200 and a portion of Tax Lot 100, Section 19AC, T. 4 S., R. 4 W., W.M.

RECITALS

The Planning Commission received an application (ZC 3-96) from the J. C. Reeves Corporation, dated March 11, 1996, 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 3.5 acres of land located north of West Second Street and east of Hill Road and which is described as Tax Lot 200 and a portion of Tax Lot 100, Section 19AC, T. 4 S., R. 4 W., W.M..

A public hearing was held on April 11, 1996, at 7:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on April 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 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; and

The City Council called for a public hearing and set the hour of 7:30 p.m., June 11, 1996, to consider the application, 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; 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 the tentative plan for Hidden Glen subdivision, with street right-of-way of thirty feet and cul-de-sac radius of thirty-nine feet, shall 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 of 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 of the Commissioners.

2. That the portion of the subject property located within the BPA easement and required by the bikeway, be deeded to the City of McMinnville or be encumbered by a public use easement to allow construction, maintenance, and use of the bike/pedestrian path.

3. That a maintenance agreement, either in the form of a deed restriction or restrictive covenant, be formulated and applied to the easement situated along the east property line of Lot 21 and serving a separate parcel to the northeast to guarantee maintenance of the shared private access easement. Said agreement must meet with the approval of the Planning Director.

4. That setbacks for Hidden Glen subdivision shall be as follows:

Front yard - Standard R-4 setbacks with the exception of Lot 21 which shall be permitted a 10 foot front yard setback.

Side yard - 5 feet for single-story dwellings and 6 feet for two-story dwellings.

Exterior side yard - Standard R-4 setback (15 feet).

Rear yard - 15 feet.

5. That no building permits for development on the site shall be issued by the City until and unless the new Cozine pump station is operational and the new main Cozine trunk line is constructed and operational and has been so declared by the Council.

First Reading - Read and passed by the Council this 11th day of June by the following votes:

Ayes: Hughes, Payne, Tomcho, Windle

Nays: Kirchner, Massey

Second Reading - Read and passed by the Council this 25th day of June by the following votes:


Ayes: Hughes, Payne, Windle

Nays: Kirchner, Massey

Approved this 25th day of June 1996.


MAYOR

Attest:


RECORDER