

ORDINANCE NO. 4785

An Ordinance rezoning certain property from an R-2 (Single-Family Residential) zone to an R-4 PD (Multi-Family Residential Planned Development) zone on a parcel of land totaling 1.94 acres located east of Goucher Street and south of West 2nd Street.

RECITALS

The Planning Commission received an application (ZC 2-03) from Mr. Steve Firestone, dated April 14, 2003, for a zone change from an R-2 (Single-Family Residential) zone to an R-4 PD (Multi-Family Residential Planned Development) zone on 1.94 acres of land located east of Goucher Street and south of West 2nd Street. The property is more specifically described as Tax Lot 1400, Section 20CB, T. 4 S., R. 4 W., W.M.

A public hearing was held on May 15, 2003, at 7:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on May 3, 2003, 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 on 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 the Council; and 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 Mr. Firestone.

Section 2. That the property described in Exhibit "A" is hereby rezoned from an R-2 (Single-Family Residential) zone to an R-4 PD (Multi-Family Residential Planned Development) zone, subject to the following:

1. That the Brookside Estates subdivision plan (as 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.

That the developer is responsible for requesting approval of the Planning Commission for any major changed 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 Planning Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.

2. That the average lot size within the Brookside Estates subdivision shall be a minimum of 5,000 square feet.
3. That the exterior side-yard setback for Lots 1 and 12 shall be a minimum of 10 (ten) feet, measured from the street-side property line. The minimum front yard setback for all lots shall be 15 (fifteen) feet, measured from the property line. The open side of a garage or carport shall be a minimum of 20 (twenty) feet from the back edge (property side) of the sidewalk. All other setbacks shall be as required by the R-4 zone.

Passed by the Council this 24th day of June, 2003, by the following votes:

Ayes: Hansen, Olson, Payne, Springer, Windle

Nays: _____

Approved this 24th day of June 2003.



MAYOR

Attest

CITY RECORDER

Approved as to form:



CITY ATTORNEY

EXHIBIT "A"

A tract of land in the West ½ of Lot No. 1 in FAIRLAWN SUBDIVISION, a subdivision of record in Yamhill County, Oregon more particularly described as follows:

Beginning at a 5/8 inch iron rod at the intersection of the easterly right of way line of Goucher Street with the southerly right of way line of West Second Street; thence following County Survey No. C.S.P. 7801, Volume V, Page 131, of Yamhill County Survey Records, East along said southerly right of way line, 304.49 feet to the northwest corner of SLUSHER-DAVIS ADDITION, a subdivision of record in Yamhill County, Oregon; thence South 00°00'15" West along the west line of said SLUSHER-DAVIS ADDITION, 68.52 feet to an 5/8 inch iron rod; thence South 00°15'46" West 209.31 feet to a 5/8 inch iron rod; thence West 304.81 feet to a 5/8 inch iron rod on the easterly right of way line of Goucher Street; thence North 00°15'51" East 277.82 feet to a 5/8 inch iron rod and the place of beginning.