

ORDINANCE NO. 479

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 2.88 acres in size.

RECITALS

The Planning Commission received an application (ZC 5-03) from Kulson Development LLC, dated June 12, 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 a parcel of land totaling 2.88 acres. The property is located south of West Second Street, and west of Goucher Street, and is more specifically described as a portion of Tax Lot 1200, Section 20CB, T. 4 S., R. 4 W., W.M.

A public hearing was held on July 17, 2003, at 7:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on July 10, 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 Kulson Development LLC.

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 conditions:

1. That the Maple Leaf Townhomes planned development/zone change map (Exhibit "F") (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 shall be responsible for requesting approval 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.

2. That minimum setbacks for the Maple Leaf Townhomes development are as follows:
 - a. Rear yard – 15 feet;
 - b. Front yard – 15 feet;
 - c. Side yard – 6 feet;
 - d. Exterior side yard – 15 feet, with the exception of Lots 2B and 6A which shall be 7.5 feet; and
 - e. Open side of garage – 20 feet, with the exception of Lot 4B which shall be 18.5 feet.
3. That the residential density of the proposed development shall be limited to a maximum of 11 dwelling units per gross acre.

Passed by the Council this 26th day of August, 2003, by the following votes:

Ayes: Aleman Hansen Olson Sprinzer Windle

Nays: _____

Approved this 26th day of August 2003.


MAYOR

Attest:


RECORDER

Approved as to form:


CITY ATTORNEY