

ORDINANCE NO. 4956

An Ordinance rezoning certain property from a City R-2 PD (Single-Family Residential, Planned Development) zone to a City R-4 PD (Multiple-Family Residential, Planned Development) zone on a 2.83-acre parcel of land.

RECITALS

The Planning Department received an application (ZC 1-12/CU 2-12) from Emerald Valley Development, LLC, for a zone change from a City R-2 PD (Single-Family Residential, Planned Development) zone to a City R-4 PD (Multi-Family Residential, Planned Development) zone on a 2.83-acre parcel of land to accommodate a future residential development. Concurrent with this zone change request was an application for a conditional use permit to allow construction of a residential memory care facility on this site. The subject site is located west of NE Dunn Place and north of Cumulus Avenue, and is more specifically described as Tax Lot 1700, Section 22CD, T. 4 S., R. 4 W., W.M.

A public hearing was held on July 19, 2012, at 6:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on July 11, 2012, 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 17.74.020 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 Emerald Valley Development, LLC.

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

1. That all applicable requirements of McMinnville Planned Development Ordinance No. 4719 shall remain in effect.
2. That the Evelyn House master plan, submitted as part of this application, shall be placed on file with the Planning Department and become a part of the zone, and binding on the owner and developer. That 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 the Planning Director 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 28th day of August 2012, by the following votes:

Ayes: Jeffries, Menke, Ruden, Yoder

Nays: _____

Approved this 28th day of August 2012.



MAYOR

Attest:



CITY RECORDER

Approved as to form:



CITY ATTORNEY

Exhibit "A"

Parcel 1, PARTITION PLAT NO. 2004-33, in the City of McMinnville, County of Yamhill, State of Oregon.

