

ORDINANCE NO. NS-2280

AN ORDINANCE AMENDING THE BEND URBAN AREA GENERAL PLAN MAP AND ZONING OF 4.64 ACRES OF LAND ON THE EAST SIDE OF 27TH STREET AND THE SOUTH SIDE OF LIVINGSTON DRIVE TO MIXED EMPLOYMENT (ME).

Findings:

A. On June 18, 2009, the applicant, 27th Street Investment, LLC, filed an application (PZ 09-176) to change the General Plan designation of 4.64 acres of land on the east side of 27th Street from Residential Medium Density (RM) to Mixed Employment (ME), and to change its Zoning designation from Residential Standard Density (RS) to Mixed Employment (ME).

B. The Hearings Officer held a duly noticed public hearing on May 20 & June 10, 2010. On August 2, 2010, the Hearings Officer issued a decision recommending that Council approve the requested Plan Amendment and Zone Change.

C. The City Council held a duly noticed public hearing on September 1, 2010. Based on the entire record, including all testimony, evidence and the recommendation of the Hearings Officer, the Council concluded that the application met all criteria for approval. The City Council adopted Resolution of Intent to Rezone No. 2810 on September 1, 2010, subject to four special conditions required to mitigate the increase in vehicle trips due to the change in zoning, in addition to the requirements of Section 4.6.400 of the Bend Development Code. Condition #1 required certain traffic signal phasing improvements at two nearby intersections on Hwy 20, Condition #2 imposed a trip cap of 163 p.m. peak hour trips, and Condition #3 required the property owner to submit a Site Plan Review application for ME development consistent with the trip cap. Condition #4 stated that when the traffic signal phasing improvements have been completed, and when a Site Plan Review application consistent with the trip cap has been approved, the applicant/owner may request the City Council adopt an ordinance changing the General Plan Designation and Zoning of the subject property to ME. The conditions must be satisfied by September 1, 2017.

D. The required traffic signal phasing improvements were completed in 2015. The Planning Division approved two Site Plans Review applications for ME development consistent with the trip cap on October 4, 2016. File PZ 16-0467 approved a restaurant on Parcel 1 of Partition Plat No. 2016-20, and File PZ 16-0513 approved a car wash on Parcel 2 of Partition Plat No. 2016-20. A balance of 110 p.m. peak hour trips remain for Parcel 3 of Partition Plat No. 2016-20. Any future Site Plan Review application will ensure that development on Parcel 3 will observe this trip limitation. Therefore, the conditions of Resolution No. 2810 have been satisfied.

Based on these findings,

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The requested Plan Amendment and Zone Change is consistent with the criteria of Bend Development Code Chapter 4.6.

Section 2. The Bend Urban Area General Plan and Zoning Maps are amended by changing 4.64 acres of land on the east side of 27th Street and the south side of Livingston Drive to Mixed Employment (ME) as shown in Exhibit A and described in Exhibit B.

Section 3. Parcel 3 of Partition Plat No. 2016-20 is vested with the remaining 110 p.m. peak hour trips.

Read for the first time the 19th day of October, 2016.

Read for the second time the 2nd day of November, 2016.

Placed upon its passage the 2nd day of November, 2016.

YES: Jim Clinton, Mayor
Doug Knight
Victor Chudowsky
Sally Russell
Nathan Boddie
Casey Roats
Barb Campbell

NO: NONE

Authenticated by the Mayor the 2nd day of November, 2016.

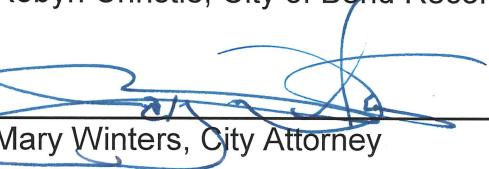


Jim Clinton, Mayor

ATTEST:



Robyn Christie, City of Bend Recorder



Mary Winters, City Attorney

EXHIBIT A

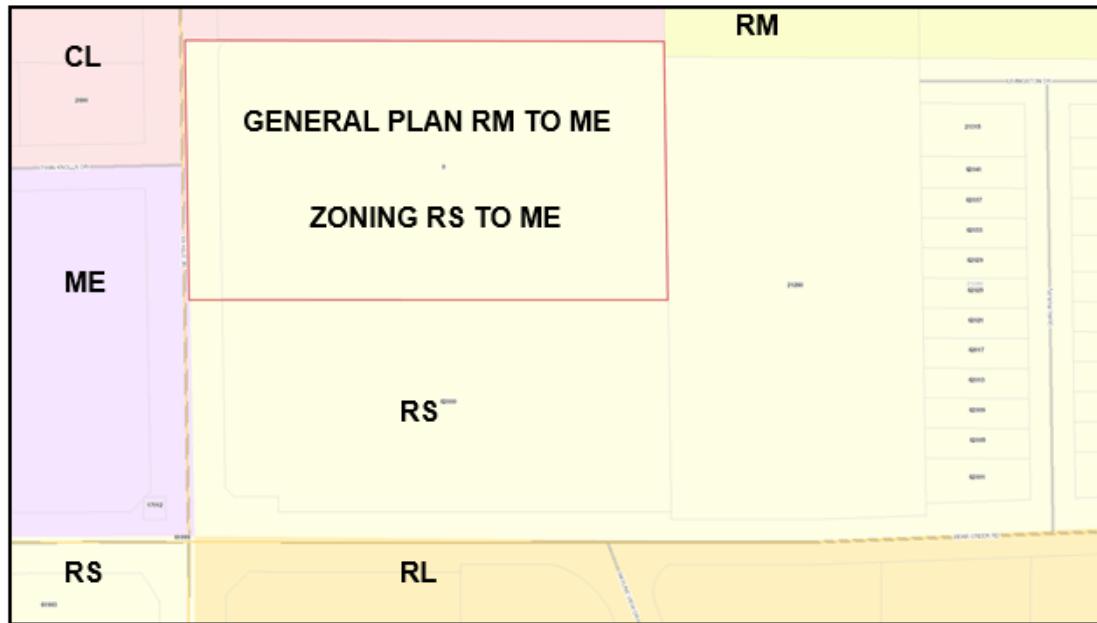


EXHIBIT B

In Township 17 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon.

Partition Plat No. 2016-20

INCLUDING THEREWITH the adjacent right of way to the centerline of 27th Street.