

Resolution No. 2810

A RESOLUTION DECLARING THE CITY COUNCIL'S INTENT TO CHANGE THE BEND AREA GENERAL PLAN DESIGNATION OF 4.64 ACRES OF LAND FROM RM TO ME, AND TO CHANGE THE ZONING FROM RS TO ME.

Findings

- A. 27th Street Investment, LLC submitted a Type III application to change the Bend Area General Plan designation of a 4.64 acre parcel of land located on the east side of 27th Street between Bear Creek Road and U.S. Hwy 20 from Residential Urban Medium Density (RM) to Mixed Employment (ME), and to change the zoning from Residential Urban Standard Density (RS) to Mixed Employment (ME).
- B. A public hearing was held before a City of Bend Hearings Officer on the subject application and the Hearings Officer recommended approval, subject to certain conditions.
- C. The City Council held a public hearing on this application on September 1, 2010 and heard comment from the parties to the record, and based upon the testimony and the Hearings Officer's recommendation, determines that the public health, safety, welfare and convenience will be best served by the proposed Plan Amendment and Zone Change.
- D. The City Council hereby adopts the findings set forth in the Hearings Officer's August 2, 2010 decision.
- E. The City Council hereby adopts the Hearings Officer's recommendation, that a Resolution of Intent to Rezone pursuant to Section 4.6.400 of the Bend Development Code be enacted to accomplish the rezoning of this property.

Based on these findings,

THE CITY COUNCIL OF THE CITY OF BEND RESOLVES AS FOLLOWS:

Section 1. The City Council of the City of Bend hereby declares its intent to change the General Plan designation of the subject property from RM to ME and to change the zoning of the subject property from RS to ME.

Section 2. This Resolution of Intent to Rezone shall be subject to the following special conditions (in addition to the requirements of Section 4.6.400);

1. The applicant/property owner shall install, or pay for the installation, of improvements to the signal phasing at the Highway 20 / Purcell Boulevard and Highway 20 / 27th Street intersections to provide protected/permissive left turns in accordance with the applicable Oregon Department of Transportation standards and specifications.
2. Development of the subject property shall be subject to a trip cap of 163 p.m. peak hour trips.
3. The applicant/owner shall submit a site plan application for ME development of the subject property consistent with the trip cap in item (2) above.
4. When the traffic signal improvements described in item (1) above have been completed, and when a site plan consistent with the trip cap in item (2) above has been reviewed and approved by the City, the applicant/property owner may request that the City Council adopt an Ordinance effecting the Plan Amendment from RM to ME and the Zone Change from RS to ME for the subject property.

Section 3. This Resolution of Intent to Rezone shall constitute a binding commitment on the City of Bend to redesignate the subject property from Residential Urban Medium Density (RM) to Mixed Employment (ME), and to change the zoning from Residential Urban Standard Density (RS) to Mixed Employment (ME) upon fulfillment by the applicant/property owner of all of the terms and conditions set forth herein, subject to the appeal rights of any party to this proceeding. This Resolution binds the City to give the applicant ME zoning only as it exists at the time the new zoning is applied to the subject property. This Resolution does not authorize grant of any land use permits under the new zoning; the applicant/property owner must make application for such approvals under the applicable criteria of the Bend Development Code as they exist at the time of application.

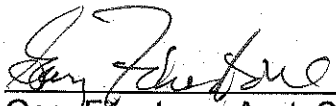
Section 4. All conditions of this Resolution of Intent to Rezone shall be satisfied within seven (7) years of the date the Resolution of Intent to Rezone is adopted by the City Council, unless an extension is granted by the City Council upon recommendation by the Planning Commission.

Adopted by the City Council the 1st day of September, 2010.


YES: 5 NO: 1

Authenticated by the Mayor the 1st day of September, 2010.

Approved as to form:



Gary Firestone, Asst. City Attorney



Kathie Eckman, Mayor

ATTEST:



Patricia Stell, City Recorder