

## RESOLUTION NO. 2925

### A RESOLUTION DECLARING THE CITY COUNCIL'S INTENT TO CHANGE THE BEND AREA GENERAL PLAN DESIGNATION AND ZONING OF 2.3 ACRES OF LAND FROM RS TO ME.

#### Findings:

- A. The property owners, David A. Ditz NE Trust and Shockey Investments, LLC, submitted a Type III application to change the Bend Area General Plan designation and Zoning on a 2.3 acre area of land located on the southwest corner of the Reed Market Road and 15<sup>th</sup> St intersection 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 August 21, 2013 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 resolves that a Resolution of Intent to Rezone pursuant to Section 4.6.400 of the Bend Development Code be enacted to accomplish the re-designation and rezoning of this property and further adopts the findings set forth in the Hearings Officer's recommendation dated July 10, 2013.

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 and 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 BDC Section 4.6.400);

1. This recommendation of approval is based on the applicant's submitted application, burden of proof and attachments, traffic technical memorandum dated October 23, 2012, and written and oral testimony. Any substantial change to the approved plan amendment and zone change will require a new land use application and approval.
2. Approval of the proposed plan amendment and zone change from Urban Standard Density Residential (RS) to Mixed Employment (ME) shall be subject to a resolution of intent to rezone that includes the following conditions and limitations:


- a. any development proposal for the subject property shall include a residential component at a minimum density of 7.3 units per acre;
- b. no final occupancy permits for residential or retail development on the subject property shall be issued unless/until all improvements to Reed Market Road and its intersection with S.E. 15<sup>th</sup> Street, including a multi-lane roundabout at the intersection, have been completed and are in place and functioning; and
- c. no development on the subject property shall include auto-dependent or drive-through uses.

Section 3. This Resolution of Intent to Rezone shall constitute a binding commitment on the City of Bend to re-designate the subject property from Residential Urban Standards Density (RS) to Mixed Employment (ME), and to change the zoning from Standard Density Residential (RS) to Mixed Employment (ME) upon fulfillment by the applicant/property owner of all the terms and conditions set forth above.

Adopted by roll call vote of the Bend City Council on the 21<sup>st</sup> day of August, 2013.

YES: Mayor Clinton  
Councilor Jodie Barram  
Councilor Mark Capell  
Councilor Victor Chudowsky  
Councilor Scott Ramsay  
Councilor Sally Russell

NO: none

  
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Jim Clinton, Mayor

ATTEST:

  
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Robyn Christie, City Recorder

Approved as to form:

  
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Mary Winters, City Attorney