

Motion Record

October 25, 2018

1115 **TIME CERTAIN: 2:30 PM** – Consider the appeal of Deborah A. Byrne against the Hearings Officer's decision to approve a Conditional Use Review for a new eight-space parking lot on Imago Dei Ministries property at 1404 SE Ankeny St (Hearing introduced by Mayor Wheeler; LU 18-174083 CU) 45 minutes requested

Motion to tentatively deny the appeal and uphold Hearings Officer's decision: Moved by Fish and seconded by Fritz.

Commissioners voted as follows:

YEAS: Eudaly, Fish, Fritz and Saltzman

Wheeler absent

**TENTATIVELY DENY
APPEAL AND UPHOLD
HEARINGS OFFICER
DECISION; PREPARE
FINDINGS FOR
NOVEMBER 7, 2018
AT 10:50 AM
TIME CERTAIN**

November 7, 2018

1144 **TIME CERTAIN: 10:50 AM** – Consider the appeal of Deborah A. Byrne against the Hearings Officer's decision to approve a Conditional Use Review for a new eight-space parking lot on Imago Dei Ministries property at 1404 SE Ankeny St (Previous Agenda 1115; Findings; Report introduced by Mayor Wheeler; LU 18-174083 CU) 5 minutes requested

Motion to adopt findings: Moved by Fish and seconded by Eudaly.

Commissioners voted as follows:

YEAS: Eudaly, Fish, Fritz and Saltzman

Wheeler did not vote.

**FINDINGS
ADOPTED**



City of Portland, Oregon
Bureau of Development Services
Office of the Director
FROM CONCEPT TO CONSTRUCTION

Chloe Eudaly, Commissioner
Rebecca Esau, Director
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MEMORANDUM

October 17, 2018

TO: Mayor Ted Wheeler
Commissioner Nick Fish
Commissioner Amanda Fritz
Commissioner Chloe Eudaly
Commissioner Dan Saltzman

FROM: Rebecca Esau, Director *RE*
Bureau of Development Services

RE: City Council hearing on LU 18-174083 CU

The purpose of this memorandum is to provide a brief description of the land use review decision that was appealed, and which will be presented to you in a public hearing on October 25, 2018 at 2:30 p.m. TC.

Site Address: 1404 SE Ankeny St.

BDS Representative: Andrew Gulizia, City Planner

- 1. Land Use Review Requested:** Type III Conditional Use Review for a new eight-space parking lot.
- 2. Key Elements of Proposal:** The subject site is developed with a church, which is a Conditional Use in the R1 and R2.5 residential zones. The applicant requested Conditional Use Review approval for a new 8-space parking lot in the northeast corner of the site. There is already a 12-space parking lot in the southwest corner of the site, so the proposal would increase the number of parking spaces on the site from 12 to 20. Type III Conditional Use Review is required for the additional parking spaces per Zoning Code Section 33.815.040.B.2.

The applicant and owner of the site is Imago Dei Ministries. The applicant's representative is Renee France of Radler White Parks & Alexander LLP.

- 3. Hearings Officer Decision:** The Hearings Officer found that all applicable approval criteria were met and approved the Conditional Use Review. The only condition of approval was that the permit plans for the parking lot conform to the plans approved by the Hearings Officer in the land use review. The Hearings Officer's decision was appealed to the City Council by Debra A. Byrne, a neighbor who testified before the Hearings Officer.

4. Alternatives Facing Council:

- Deny the appeal and uphold the Hearings Officer's decision to approve the proposal.
- Deny the appeal and uphold the Hearings Officer's decision to approve the proposal, but with modified findings or conditions.
- Grant the appeal and overturn the Hearings Officer's approval, thereby denying the proposal.

IMPACT STATEMENT

Legislation title:

The request is not for a legislative action, but rather an appeal of a Type III quasi-judicial land use review decision.

Contact name: Andrew Gulizia, BDS City Planner

Contact phone: (503) 823-7010

Presenter name: Andrew Gulizia

Purpose of proposed legislation and background information:

The request is not for a legislative action, but rather an appeal of a Type III quasi-judicial land use review decision. The Hearings Officer approved a Type III Conditional Use Review for a new eight-space parking lot on Imago Dei Ministries property at 1404 SE Ankeny Street. Deborah A. Byrne appealed the Hearings Officer's decision to the City Council. Type III land use review decisions may be appealed to City Council per Zoning Code Section 33.730.030.F.

Financial and budgetary impacts:

This is not a legislative action. There are no ongoing costs to the City associated with this quasi-judicial land use review. The required land use review fees were paid by the applicant.

Community impacts and community involvement:

The standard public involvement procedures for a Type III land use review have been followed. Several neighbors submitted written or oral testimony to the Hearings Officer. The Hearings Officer addressed concerns raised by neighbors in his written decision but found that the approval criteria for the proposal were met. Deborah A. Byrne, one of the neighbors who testified before the Hearings Officer, filed this appeal.

Budgetary Impact Worksheet

Does this action change appropriations?

☐ YES: Please complete the information below.

☒ NO: Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount