

AUG 10 45 AM 1980
AUDITOR
PORTLAND, ORE.

ACCEPTANCE

BY *[Signature]*

Portland, Oregon, August 8, 1980

GEORGE YERKOVICH
Auditor of the City of Portland.
Room 202, City Hall
Portland, Oregon 97204

Dear Sir:

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 150186, passed by the Council August 7, 1980, granting a Revocable Permit to Joseph B. Kent, Oilco, Inc., deedholder, to allow continued use of the existing car wash waiving Section 33.42.030(d)(3)(C and D) on the North Lombard Street side of the building, in Zone C2; located at 5305 North Lombard Street, between North Exeter Avenue and North Portsmouth Avenue, on Lots 1-3, Block E, Portsmouth Villa Extension, under certain conditions,

and in consideration of the benefits to be received thereunder by me I hereby agree to abide by and perform each and all of the terms and provisions thereof applicable to me.

Very truly yours,

OILCO, INC.

[CORPORATE SEAL]

**Joseph B. Kent*
Joseph B. Kent

5305 N. Lombard St., Portland, OR. 97203
Address

APPROVED AS TO FORM

Approved as to form:

Christopher P. Thomas
CITY ATTORNEY
City Attorney

*When an acceptance is required from a firm or corporation the Acceptance must be signed by an officer of the firm or corporation stating his or her official title, and corporations must affix the corporate seal.

ORDINANCE NO. 150186

An Ordinance granting a Revocable Permit to Joseph B. Kent, Oilco, Inc., deedholder, to allow continued use of the existing car wash waiving Section 33.42.030(d)(3)(C and D) on the North Lombard Street side of the building, in Zone C2; located at 5305 North Lombard Street, between North Exeter Avenue and North Portsmouth Avenue, on Lots 1-3, Block E, Portsmouth Villa Extension, under certain conditions, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Joseph B. Kent, Oilco, Inc., has filed an application for a Revocable Permit to waive Section 33.42.030(d)(3)(C and D) to continue use of the existing car wash without insulation on the south side of the building, and to allow a doorway to face north towards the side of a residential (A2.5) Zone, located at 5305 North Lombard Street, within Zone C2.
2. The legal description of said property is Lots 1-3, Block E, Portsmouth Villa Extension.
3. Applicant has paid the proper fee for the filing of such an application.
4. A duly authorized and conducted public hearing has been held by the City's Hearings Officer on May 5, 1980 (Planning Commission File No. 6943R) and the Hearings Officer recommended that a Revocable Permit to allow continued use of the existing car wash without insulation on the North Lombard Street side of the building be allowed, under certain conditions. The requested doorway facing a residential zone was denied.
5. The City Auditor has complied with the notice requirements of the ordinance for the hearing before the Hearings Officer and City Council.
6. On May 27, 1980, Joseph B. Kent, Oilco, Inc., submitted an appeal of the Hearings Officer's decision. The Planning Commission members received the Hearings Officer's Report and Recommendation and the appeal. The Planning Commission did not wish to review the case.
7. On July 2, 1980, the City Council conducted a public hearing on the appeal. The Council deferred action for additional noise information.
8. On July 16, 1980, the City Council reconsidered the appeal material and the re-evaluation of the noise data submitted to the City Council as a part of City Council Calendar 2585.

9. The City Council, after due deliberation, adopted the report of the Hearings Officer in part and the July 14, 1980, report of the Noise Control Officer in part.
10. The revised plan of the applicant can comply with the Noise Ordinance of the City of Portland.
11. The unusual circumstances presented by prior use of the site without insulating the south doors, and the desire to maintain and encourage noise control and residential livability within the City of Portland warrant allowing the continued use of the existing car wash by waiving Section 33.42.030(d)(3)(C and D), if certain precautions are taken to minimize negative impacts on neighboring properties.

NOW, THEREFORE, the Council directs:

- a. That a Revocable Permit be granted to allow a car wash waiving Section 33.42.030(d)(3)(C and D), without insulation on the south side (North Lombard Street) of the building and to permit a door on the north side of the building, in Zone C2, located at 5305 North Lombard Street, between North Exeter Avenue and North Portsmouth Avenue, on Lots 1-3, Block E, Portsmouth Villa Extension with the following conditions:
 1. The hours of operation shall not exceed beyond 9:30 p.m.
 2. The descent of the door be controlled by an electric motor, such descent automatically occurring prior to each wash cycle.
 3. The operation be in compliance with Section 18.10.010(a) and (b).
- b. This Revocable Permit is granted under the following conditions:
 1. The Revocable Permit hereby granted is personal to the permittee and may not be transferred, assigned or otherwise disposed of by said permittee.
 2. A Building Permit or an Occupancy Permit must be obtained from the Bureau of Buildings, Room 111, City Hall, 1220 SW Fifth Avenue, 248-4241, before carrying out this project in order to assure that all conditions imposed here and all requirements of the pertinent Building Codes are met.
 3. The Revocable Permit hereby granted shall be revocable at the pleasure of the City Council and no expenditures of money hereunder or lapse of time or any act or thing shall operate as an estoppel against the City of Portland, or be held to give the permittee any vested or other right.
 4. Permittee shall comply with the provisions of the Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City, whether presently existing or hereafter enacted.

Calendar No. 2811

ORDINANCE No. 150186

Title

An Ordinance granting a Revocable Permit to Joseph B. Kent, Oilco, Inc., deedholder, to allow continued use of the existing car wash waiving Section 33.42.030(d)(3)(C and D) on the North Lombard Street side of the building in Zone C2; located at 5305 North Lombard Street, between North Exeter Avenue and North Portsmouth Avenue, on Lots 1-3, Block E, Portsmouth Villa Extension, under certain conditions, and declaring an emergency.

THURSDAY

Filed JUL 31 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *George Yerovich*
Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Ivancie		
Jordan		
Lindberg		
Schwab		
McCready		

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

INTRODUCED BY
Mayor McCready

NOTED BY THE COMMISSIONER

Affairs

Finance and Administration *CM*

Safety

Utilities

Works

BUREAU APPROVAL

Bureau: Bureau of Planning

Prepared By: N. Weisser/lb Date: 7/21/80

Budget Impact Review:
 Completed Not required

Bureau Head: *Frank N. Frost*
Frank N. Frost

NOTED BY

City Attorney *Keith McKelley*

City Auditor

City Engineer

c

150186