

RECEIVED

151657

JUN 3 01 PM 1981
AUG 30 25 628

GEORGE YERKOVICH, AUDITOR
CITY OF PORTLAND, ORE.

ACCEPTANCE

BY _____

Portland, Oregon, June 3 1981

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. 151657, passed by the Council June 3, 1981, changing the zoning for Lots 3 and 4, Foster, located at 4722 NE Glisan, from R1 to C2 and C2B under certain conditions, requiring a comprehensive plan map amendment,

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,

Harry E. Groth

Harry E. Groth

[CORPORATE
SEAL]

3840 SW Dosch Road, Portland, OR 97201

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. 151657

An Ordinance changing the zoning for Lots 3 and 4, Foster, located at 4722 NE Glisan, from R1 to C2 and C2B under certain conditions, requiring a comprehensive plan map amendment, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Harry Groth is the deedholder of Lots 3 and 4, Foster, located at 4722 NE Glisan (property). The Comprehensive Plan of the City of Portland, effective January 1, 1981, designated and zoned the property R1. From 1959 through December 31, 1980, the property was zoned C2.
2. On February 17, 1981, Harry Groth (applicant) filed a petition with the Bureau of Planning to change the zone of the property from R1 to C2. The petition complied in all respects with the requirements of Title 33, Planning and Zoning, of the Code of the City of Portland.
3. The applicant paid the proper fee for the filing of such petition.
4. The purpose of the zone change is to convert the existing dwelling on the western portion of the site to a medical office building and an apartment, and to construct a ten-space parking lot on the eastern portion of the site.
5. As authorized by state law and Title 33, Planning and Zoning, of the Code of the City of Portland, the city's Hearings Officer conducted a public hearing on March 9, 1981, on the applicant's zone change request. (Planning Commission File No. 7033-PA.) On March 10, 1981, the Hearings Officer recommended that the zone change be denied.
6. Public notice of the March 9, 1981, hearings was given as required by state law and Title 33, Planning and Zoning, of the Code of the City of Portland.
7. On March 19, 1981, the applicant filed timely appeal from the Hearings Officer's decision.
8. The Planning Commission declined to review the appeal by April 1, 1981.
9. After fulfilling the notice requirements of state law and Title 33, Planning and Zoning of the Code of the City of Portland, the City Council held a hearing on the appeal on April 22, 1981. The Council voted to grant the appeal and to reverse the recommendation of the Hearings Officer.

10. The zone change requested by the applicant is consistent with and supportive of the following Comprehensive Plan goals and policies.
 - a. The Housing Policy: Use of the property for medical offices will eliminate the potential for seven housing units on the property. The applicant will construct one apartment unit on the upper level to replace the existing dwelling unit on the site. Thus, the property will continue to be used in part for residential purposes.
 - b. The Energy Policy: The proposal meets the Energy Policy because the proximity of the medical offices to Providence Hospital will help decrease doctors' vehicular trips. This site is served by two bus lines, which may reduce the need for automobile travel.
 - c. The Economic Development Policy: The proposal will have little impact on the Economic Development Policy because the number of offices is limited in scale.
 - d. The Arterial Streets Classification Policy: Both NE Glisan Street and NE 47th Avenue are designated as neighborhood collector, minor transit arterials and bicycle pathways.
 - e. Policy 2.16, discourages strip commercial areas and encourages a "more clustered pattern of commercial development." The applicant's proposal for a medical office and an apartment will not contribute to or result in a continuous strip of commercial development along NE Glisan between NE 44th and NE 82nd Avenues.
 - f. Goals 6 and 7, encourage efficient transportation and energy use. The applicant's proposal will intensify use of the site over current single-family use. However, the proposal will help to decrease doctors' and patients' trips to and from the hospital and will permit both doctors and patients to use existing bus lines that serve the site.
11. Changing the zoning of the property from R1 to C2 and C2B is compatible with the land use pattern established by the Comprehensive Plan because it will complement an existing hospital use near the property and will not encroach into an existing residential neighborhood.
12. The requested zone change does not represent a significant departure from the Comprehensive Plan Map designation and it is in the public interest to grant the applicant's petition.
13. The public interest is best served by granting the petition at this time and at the requested location for the following reasons:

- a. The applicant's proposal will allow medical offices to be built close to Providence Hospital, thus decreasing doctors' and patients' vehicular trips to the hospital. Additionally, both doctors and patients will be able to take advantage of the existing bus service at the site, potentially reducing the need for automobile travel.
 - b. Construction of one apartment on the site will allow the property to retain, in part, its residential character and use.
14. The circumstances under which the applicant has requested a zone change are unique and will not set a precedent for future requests.
 15. To protect existing residential uses located to the east of the applicant's property, it is appropriate to impose a "B" buffer overlay on the easterly five feet of the applicant's property.
 16. The zone change requested by the applicant is in accordance with generally accepted land use planning standards and with applicable city and state legislative enactments, as indicated in the report of the Hearings Officer as modified by the City Council.
 17. The rezoning requested by the applicant constitutes an amendment to the comprehensive plan map. For the reasons stated in one through sixteen above, amending the comprehensive plan map designation from R1 to C2 and C2B is appropriate and in the public interest.

NOW, THEREFORE, the Council directs:

- A. The findings and conclusions of the Hearings Officer, as amended by the City Council in one through seventeen above, are adopted and incorporated herein by this reference.
- B. The Comprehensive Plan Map, adopted by Ordinance No. 150582, is amended by amendment to quarter section map no. 3035 to designate Lots 3 and 4, Foster, located at 4722 NE Glisan, as C2.
- C. The zoning of Lots 3 and 4, Foster, located at 4722 NE Glisan, is changed from R1 to C2.
- D. This zone change is granted under the following conditions:
 - 1) The easterly five feet of Lot 4 shall be zoned and regulated by a superimposed "B" buffer zone.
 - 2) The use of Lots 3 and 4, Foster, located at 4722 NE Glisan shall be limited to medical office and residential use.

ORDINANCE No.

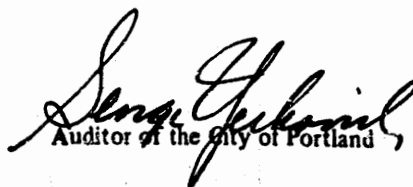
- E. The City Auditor shall enter the property zoned as set forth in Section 1 hereof on the official zoning maps and the comprehensive plan map shall be amended accordingly.
- F. This ordinance shall not be effective and no change shall be made to the zoning map until the applicant accepts the terms and conditions of this zone change and records such acceptance as required by Section 33.102.010 of the Code of the City of Portland.

Section 2. The Council declares that an emergency exists because there should be no delay in the beneficial use of the applicant's property. Therefore, this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, **JUN 3 1981**

Commissioner Schwab
K. Beaumont/N. Weisser/jlu
May 22, 1981

Attest:


Auditor of the City of Portland

Calendar No. 1730

ORDINANCE No. 151657

Title

An Ordinance changing the zoning for Lots 3 and 4, Foster, located at 4722 NE Glisan, from R1 to C2 and C2B under certain conditions, requiring a comprehensive plan map amendment, and declaring an emergency.

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
JORDAN	/	
LINDBERG	/	
SCHWAB	/	
STRACHAN	/	
IVANCIE	/	

FOUR-FIFTHS CALENDAR	
JORDAN	
LINDBERG	
SCHWAB	
STRACHAN	
IVANCIE	

INTRODUCED BY
Commissioner Schwab

NOTED BY THE COMMISSIONER
Affairs <i>[initials]</i>
Finance and Administration
Safety
Utilities
Works

BUREAU APPROVAL	
Bureau: Planning	
Prepared By: Kathryn Beaumont/ Nancy Weisser/jlu	Date: 5-22-81
Budget Impact Review:	
<input type="checkbox"/> Completed <input type="checkbox"/> Not required	
Bureau Head: <i>[Signature]</i> Terry Sandblast	

CALENDAR	
Consent <input checked="" type="checkbox"/>	Regular <input type="checkbox"/>

NOTED BY
City Attorney <i>[Signature]</i>
City Auditor
City Engineer

Filed MAY 28 1981

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *[Signature]*
Deputy