

ORDINANCE No. 183658

*Amend the Comprehensive Plan Map designation and change zoning at 5012-5014 NE 26th Avenue, with Adjustments at the request of Samuel Penfield (Ordinance; LU 09-133971 CP ZC AD).

The City of Portland ordains:

Section 1. Council finds:

1. The Applicant seeks, in the vicinity of 5012-5014 NE 26th Avenue, the following:
 - a. a Comprehensive Plan Map Amendment from Attached Residential to Urban Commercial for the area identified as State ID No. 1N1E24BB 21700 and legally described as Lot 8, Block 13, INA PARK, in the City of Portland County of Multnomah and State of Oregon (hereinafter referred to as the "Property");
 - b. a Zoning Map Amendment from R2.5ah (Residential 2,500 with Alternative Design Density Overlay and Aircraft Landing Overlay zoning) to CSh (Storefront Commercial with Aircraft Landing overlay zoning) for the Property; and
 - c. an Adjustment for the Property to reduce the building setback along the northern property line, which abuts a Residential zone, from 11 feet to 7 feet; and an Adjustment for the Property to reduce the width of the required landscaping along the north property line from 5 feet to 3 feet 4 inches.
2. An application complying with all requirements of Title 33, Planning and Zoning, of the Code of the City of Portland seeking amendments of the Comprehensive Plan Map and Zoning Map, with Adjustments has been received with the proper fee for filing paid.
3. The Hearings Officer held a duly noticed public hearing on February 17, 2010 and a Recommendation was issued on February 25, 2010 (BDS File No. LU 09-133971 CP ZC AD). The Hearings Officer recommended approval of the requested Comprehensive Map Amendment, Zoning Map Amendment and Adjustments, with conditions.
4. The requested amendments to the Comprehensive Plan Map and Zoning Map, with Adjustments, based on the findings contained in the Recommendation of the Hearings Officer, are found to be in conformance with the Comprehensive Plan and relevant Title 33 approval criteria.

NOW THEREFORE, the Council directs:

- a. City Council adopts the facts, findings, conclusions and recommendations of the Hearings Officer in BDS File No. LU 09-133971 CP ZC AD.

- b. The Comprehensive Plan Map Amendment and Zoning Map Amendment, with Adjustments, for the Property described as Lot 8, Block 13, INA PARK, in the City of Portland County of Multnomah and State of Oregon are approved as follows:
1. a Comprehensive Plan Map Amendment from Attached Residential to Urban Commercial; and
 2. a Zoning Map Amendment from R2.5ah (Residential 2,500, Alternative Design Density Overlay Zone, Aircraft Landing Overlay Zone) to CSh (Storefront Commercial with Aircraft Landing Overlay) zoning for the Property.
 3. an Adjustment for the Property to reduce the building setback along the northern property line, which abuts a Residential zone, from 11 feet to 7 feet; and an Adjustment for the Property to reduce the width of the required landscaping along the north property line from 5 feet to 3 feet 4 inches.
 4. the Comprehensive Plan Map Amendment and Zoning Map Amendment, with Adjustments, are subject to the conditions below. Any violation of these conditions shall be subject to the enforcement procedures in the City Code, but will not void the Comprehensive Plan Map Amendment, Zoning Map Amendment or Adjustments:
 - A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 09-133971 CP ZC AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
 - B. If future modifications to the building introduce commercial uses, a minimum of 2 residential units must remain on this Subject Property for 25 years after the final approval date of this decision.
 - C. If the proposed three story, 9 unit multifamily building requires modification of the above adjustments, or requires a new adjustment due to agency review of the building permit plans, those Adjustments will be processed as stand alone Adjustments and will not require the applicant to submit a new Comprehensive Plan Map Amendment and Zone Change.

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Section 2. The Council declares an emergency exists because there should be no delay in the beneficial use of the above-described properties; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: APR 01 2010
Introduced by City Auditor LaVonne Griffin-Valade
Gregory J. Frank/cb
Date: March 16, 2010

LAVONNE GRIFFIN-VALADE

Auditor of the City of Portland

By:

Deputy: 

Agenda No.
ORDINANCE NO. 183658
 Title

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INTRODUCED BY Commissioner/Auditor:	CLERK USE: DATE FILED <u>MAR 26 2010</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland By: Deputy
BUREAU APPROVAL Bureau: Auditor's Office Bureau Head: LaVonne Griffin-Valade Prepared by: Gregory J. Frank/rs Date Prepared: March 16, 2010	
Financial Impact Statement Completed <input type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input checked="" type="checkbox"/>	ACTION TAKEN:
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input type="checkbox"/>	
Council Meeting Date April 1, 2010	
City Attorney Approval	

AGENDA
TIME CERTAIN <input checked="" type="checkbox"/> Start time: <u>3:30</u> Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input checked="" type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	1. Fritz <input checked="" type="checkbox"/>	
2. Fish	2. Fish <input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman <input type="checkbox"/>	
4. Leonard	4. Leonard <input checked="" type="checkbox"/>	
Adams	Adams <input checked="" type="checkbox"/>	