



Hathaway Koback
Connors LLP

520 SW Yamhill St.
Suite 235
Portland, OR 97204

E. Michael Connors
503-205-8400 main
503-205-8401 direct

mikeconnors@hkcllp.com

October 28, 2014

VIA HAND DELIVERY

Planning & Sustainability Commission
Bureau of Planning & Sustainability
City of Portland
1900 SW 4th Avenue, Suite 7100
Portland, OR 97201

Re: Draft 2035 Comprehensive Plan
Space Age Fuel, Inc.

Dear Commissioners:

This firm represents Space Age Fuel, Inc. ("Space Age Fuel"). Space Age Fuel owns and operates several gas stations/convenience stores/service garages throughout the City. The draft 2035 Comprehensive Plan proposes to change the Comprehensive Plan designation of several of Space Age Fuel's properties. On behalf of Space Age Fuel, we are submitting the following comments and concerns regarding the draft 2035 Comprehensive Plan.

A. Space Age Fuel objects to the City's adoption of the Comprehensive Plan Map amendments before it considers the Mixed Use Zones Project amendments.

The draft 2035 Comprehensive Plan proposes to change the Comprehensive Plan designation of the following Space Age Fuel properties: (1) 16431 SE Foster (from General Commercial to Mixed Use Neighborhood); (2) 12920 SE Stark (from General Commercial to Mixed Use Neighborhood); (3) 11214 SE Powell (from Neighborhood Commercial to Mixed Use Neighborhood); (3) 8410 SE Foster (from Central Employment to Mixed Use Urban Center). It is our understanding that this change is part of the City's plan to change the Comprehensive Plan designation and zoning of virtually all commercially zoned properties outside of the City Central area to some type of mixed use designation and zoning.

We object to the proposed change in the Comprehensive Plan designation at this time because the City is still in the process of drafting these mixed use zones as part of the separate Mixed Use Zones Project process. In fact, the proposed code amendments associated with the Mixed Use

Zones Project are not scheduled to be considered by the Planning & Sustainability Commission until June 2015 or later. It is simply not possible for Space Age Fuel or any other property owner to understand the implications of changing the Comprehensive Plan designation and zoning to mixed use when the mixed use zones and standards have not yet been created. Space Age Fuel does not even know what specific mixed use zones the City intends for its properties.

The implementation of a mixed use zone on these properties could have a significant effect on Space Age Fuel. The new mixed use zone could change the types of allowed uses and the development standards. In fact, the City staff for the Mixed Use Zones Project advised us that the City will likely change the development standards for auto-oriented uses such as gas stations in the mixed use zones. New development standards could make the existing uses nonconforming and restrict redevelopment of the properties.

Given that it is impossible to assess the impact of changing the Comprehensive Plan designation of these properties to mixed use until Space Age Fuel knows the specific mixed use zone, the allowed uses and the development standards for each property, the City should at a minimum postpone the adoption of the Comprehensive Plan Map amendments and consider them concurrently with the Mixed Use Zones Project amendments. The City should not consider changes to the Comprehensive Plan designation of these properties until the new mixed use zones and zoning regulations have been proposed as well.

B. The new mixed use Comprehensive Plan designations and zones must permit gas stations/convenience stores/service garages as allowed uses and not change the development standards in a way that renders these nonconforming developments.

To the extent the City adopts new mixed use Comprehensive Plan designations and zones to Space Age Fuel's properties, it must ensure that gas stations/convenience stores/service garages are allowed use in the new mixed use zone. The existing uses on these properties are all allowed uses in the current zones. Any new zoning regulations must ensure that these uses continue to be allowed uses in the new mixed use zones.

Additionally, the City should not change the mixed use zone development standards in a way that creates a nonconforming development or exacerbates any existing nonconforming development situations. We are particularly concerned that the City staff for the Mixed Use Zones Project advised us that the City will likely change the development standards for auto-oriented uses such as gas stations in the mixed use zones. Space Age Fuel will strenuously object to any wholesale changes in the development standards that render these developments nonconforming.

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We appreciate your consideration of our comments. We look forward to working with the City further on this matter.

Very truly yours,

HATHAWAY KOBACK CONNORS LLP

A handwritten signature in cursive script, appearing to read "E. Michael Connors".

E. Michael Connors

EMC/df

cc: Space Age Fuel, Inc.