

An Ordinance amending the Comprehensive Plan Map for Tax Lot 7 of Section 8, T1S, R1E, and Lots 2, 3, and 4 of Block P, Greenway Add. from High-Density Single-Family to Local Commercial, and changing the zoning from R5 to C3, located at 2855 S.W. Patton Road, under certain conditions, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. The applicants, Wayne Strohecker, Wesley G. Strohecker, U.S. National Bank of Oregon, and Michael Fifield, deedholders, seek a Comprehensive Plan Map Amendment from High-Density Single-Family to Local Commercial and a Zone Change from R5 to C3, for Tax Lot 7 of Section 8, T1S, R1E, and Lots 2, 3, and 4 of Block P. Greenway Add., located at 2855 S.W. Patton Road.
2. An application complying in all respects with all requirements of Title 33, Planning and Zoning, of the Code of the City of Portland and seeking such Comprehensive Plan Map Amendment and Zone Change has been received.
3. Applicants have paid the proper fee for the filing of such application.
4. The City's Hearings Officer by Report and Recommendation dated November 16, 1983 (Planning Commission File No. 7334-PA), after and as a result of a duly authorized and conducted public hearing held November 8, 1983, on said property, has recommended that the Comprehensive Plan Map Amendment and Zone Change be granted, with conditions.
5. That Report and Recommendation of the Hearings Officer was appealed by the Southwest Hills Residential League, J. W. Kamp, and others. The City Council, in accordance with the City's appeal procedures, held a hearing on January 25, 1984, adopted the Hearings Officer's Report with modifications to Condition 2a, and denied the appeal.
6. The notice requirements for public hearings were fulfilled according to law.
7. This rezoning constitutes an amendment of the City's Comprehensive Plan Map. Based upon the facts, findings and conclusions of the Hearings Officer's Report and Recommendation, this amendment of the Comprehensive Plan Map from High-Density Single-Family to Local Commercial is found to be in accordance with the Comprehensive Plan.
8. This rezoning is in conformance with the Comprehensive Plan for the City, 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.

NOW, THEREFORE, the Council directs:

- a. That the facts, findings, conclusions, and recommendation of the Hearings Officer in P.C. File No. 7334-PA are adopted by City Council.
- b. The Comprehensive Plan Map is hereby amended to Local Commercial and the zone of Tax Lot 7 of Section 8, T1S, R1E, and Lots 2, 3, and 4 of Block P, Greenway Add. is changed to C3.
- c. This Zone Change is granted under the following conditions:

- 1) The following conditions recommended by the applicants are included herein:
 - a) Use of the site shall be restricted to a grocery store.
 - b) Neither the site area nor the building outline shall again be expanded over what is now approved.
 - c) The building shall maintain a 35-foot setback from the northerly property line and the area beyond the building shall not be regraded.
 - d) No accessory buildings may be located on the site. The existing accessory buildings shall all be removed prior to occupancy of the addition.
 - e) No recycling or refuse containers shall be permanently located outside the building.
 - f) The owners shall require all employees who drive to this site to park in the covered area under the new addition.
 - g) All delivery vehicles shall enter and exit the site in a forward manner. All loading and unloading must be done on-site.
 - h) The property owners shall provide additional planting for buffering on City park property to the west, as required by the Park Bureau.
 - i) The maximum height of the building shall not exceed the roof profile proposed in this application and may not exceed 15 feet above the grade of S.W. Patton Road pavement, except for skylights.

The footprint of the building shall not exceed that shown on the plans submitted as Exhibit 5.

- j) All mechanical equipment shall be relocated from the roof surface to the interior of the building.
- k) Exterior lighting shall be as low as feasible and shall not shine onto neighboring residential property.

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- 1) Final plans for the exterior design of the building and for landscaping on the entire site, along with plans for signage and exterior lighting shall be submitted to the Planning Bureau for their review and approval prior to the issuance of Building Permits. To assist the Bureau in determining whether the proposed building, landscaping, signage and lighting are appropriate for this location and adequately protect surrounding residential and park property, the final plans shall be submitted to the Design Commission for their advice prior to Planning Bureau approval. The Commission's review should take place at a meeting of the Commission.
- 2) The following conditions recommended by the Planning Bureau are included herein:
 - a) There shall be no deliveries to the site by large trucks from 4:30 p.m. to 7:30 p.m. and from 9:00 p.m. to 7:00 a.m.
 - b) Signage shall be limited to one wall sign no greater than 100 square feet. Changeable readerboards are not permitted. On-site directional signs shall be no greater than 4 square feet each.
 - c) An entrance to the store shall be provided at the lower level.
 - d) Noise from store loudspeakers shall not be audible to any residential property.
 - e) All requirements of Chapter 70 of the Building Code relating to soil stability and drainage shall be met.
- 3) The following conditions recommended by the City's Traffic Engineers and Transportation Planning Section are included herein:
 - a) One 40-foot-wide entrance/exit shall be located opposite the intersection of S.W. Old Orchard Road, rather than separate entrances and exit points.
 - b) At least 58 parking spaces shall be provided on-site.
 - c) A left-turn lane with 30 feet storage southbound and 60 feet storage northbound be installed on S.W. Patton Road at Old Orchard Road by the applicants with the design to be approved by the City Engineer and the City Traffic Engineer.
 - d) If room is available and design is acceptable to the City Engineer and the City Traffic Engineer, a right-turn lane shall be provided for the traffic heading south on S.W. Patton Road to turn into the parking lot.
- 4) The following conditions recommended by the Department of Public Works (Sanitary Engineering) are included herein:

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- a) A site drainage plan must be submitted prior to the issuance of Building Permits, with the plan to be approved by the Bureau of Sanitary Engineering and the Bureau of Buildings, Plumbing Division.
 - b) The issue of the sewer location on-site and the accompanying issues of maintenance, risk, damage, etc., (as discussed in Exhibit 6e) shall be resolved to the satisfaction of the Bureau of Sanitary Engineering prior to the issuance of any Building Permits for this site.
 - 5) The applicants shall meet all requirements of the Fire Marshal relating to hydrant location and other fire protection measures.
 - 6) The entrance to the under-building parking area shall be blocked to individuals and vehicles when the store is closed.
 - 7) Nothing contained in this approval or these conditions authorizes Variances to any provisions of the City Code. Any required Variances must be sought through appropriate channels.
 - 8) A Building Permit or an Occupancy Permit must be obtained from the Bureau of Buildings at the Central Permit Center on the first floor of The Portland Building, 1120 S.W. 5th Avenue, 97204, 796-7310, before carrying out this project in order to assure that all conditions imposed here and all requirements of the pertinent Building Codes are met.
- d. This order shall not be effective and no change shall be made to the zoning maps until acceptance and recording as provided in Section 33.102.010.

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

Passed by the Council, FEB 16 1984

Mayor Ivancie
February 1, 1984
P.Norr/ja

Jewel Lansing
Auditor of the City of Portland

By

E. Dana Lewis

Deputy

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