

# City of Portland, Oregon **Bureau of Development Services Land Use Services**

Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

Charlie Hales, Mayor Paul L. Scarlett, Director Phone: (503) 823-7300

FROM CONCEPT TO CONSTRUCTION

Date: February 22, 2013 To: Interested Person

From: Douglas Hardy, Senior Planner

503-823-7816 / Douglas.Hardy@portlandoregon.gov

# NOTICE OF A TYPE II PROPOSAL IN YOUR NEIGHBORHOOD

Development has been proposed in your neighborhood which requires a land use review. The proposal, review process, and information on how to respond to this notice are described below. A copy of the site plan and zoning map is attached. I am the staff person handling the case. Please call me if you have questions regarding this proposal. Please contact the applicant if you have questions regarding any future development on the site.

Because we must publish our decision within 28 days, we need to receive your written comments by 5:00 p.m. on March 15, 2013. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 13-101892 AD, in your letter. It also is helpful to address your letter to me, Douglas Hardy.

### Case File Number: LU 13-101892 AD

**Applicant:** Renee Strand

> Holst Architecture 110 SE 8th Aveune Portland, OR 97214

Site Address: 1510 NE 122nd Avenue

Legal Description: S 180' of W 195' of Lot 38 Exc Pt in St, Hazelwood

Tax Account No.: R370307820 State ID No.: 1N2E26CC 04700

Quarter Section: 2843

Neighborhood: Russell, contact Bonny McKnight at 503-253-6848

**Business District:** Gateway Area Business Association, contact Fred Sanchez at

503-256-3910

**District Coalition:** East Portland Neighborhood Office, contact Richard Bixby at

503-823-4550

**Plan District:** 

Zoning: CGh - General Commercial with an Aircraft Landing Zone overlay

Case Type: Adjustment Review (AD)

Procedure: Type II, Administrative decision with appeal to Adjustment Committee

#### **PROPOSAL**

The applicant is proposing to locate a building, having a floor area of approximately 576 square feet, for use by Starbucks Coffee on this corner site. The proposal includes a walk-up window and outdoor seating area on the east side of the building, and a drive-up window on the west side of the building. The primary entrance and exit to the drive-through lane will be via NE Halsey Street, with the existing curb cut on NE  $122^{nd}$  Avenue closed. Extensive landscaping, including raised planters, will be placed between the drive-through lane and the abutting streets, as well as a small seating area at the corner of NE Halsey Street and NE  $122^{nd}$  Avenue. Pedestrian access to the building and the outdoor seating area will be via pedestrian connections from both NE Halsey Street and NE  $122^{nd}$  Avenue. A colored, stamped concrete material will be used for the pedestrian connections and the drive-through lane, with light fixtures that lead pedestrians from NE Halsey Street to the outdoor seating area.

Because both NE Halsey Street and NE 122<sup>nd</sup> Avenue are designated transit streets, the Zoning Code requires the building to be placed no more than 10' back from the property lines along these two streets. Additionally, vehicle areas (including the parking lot and drive-through lane) are not allowed to extend across more than 50 percent of the two street frontages. The applicant is requesting an Adjustment to allow the building to be placed between 18' 4" and 24' 4" from NE 122<sup>nd</sup> Avenue, and 33' 6" from NE Halsey Street. The applicant is also seeking an Adjustment to allow the vehicle area to extend across 88 percent of the site's frontages along both NE Halsey Street and NE 122<sup>nd</sup> Avenue.

#### RELEVANT APPROVAL CRITERIA

In order to be approved, this proposal must comply with the Adjustment Review approval criteria of Chapter 33.805.040.A-F of the Portland Zoning Code.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. This application was submitted on January 8, 2013 and determined to be February 22, 2013.

#### **DECISION MAKING PROCESS**

The Bureau of Development Services will make a decision on this proposal. We will consider your comments, and

- Approve the proposal;
- Approve the proposal with conditions; or
- Deny the proposal.

The neighborhood association listed on the first page of this notice may take a position on this application. They may also schedule an open meeting prior to making their recommendation to the Bureau of Development Services. Please contact the person listed as the neighborhood contact to determine the time and date of this meeting.

*ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be extended at the request of the applicant.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <a href="https://www.portlandonline.com">www.portlandonline.com</a>.

#### **APPEAL PROCESS**

If you disagree with the Bureau of Development Services administrative decision, you can appeal the decision to the Adjustment Committee. This review body will hold a public hearing for the appeal. When the decision is mailed, the criteria used to make the decision and information on

how to file an appeal will be included. If you do not send any comments, you can still appeal the decision. There is a 14-day deadline to file an appeal beginning on the day the decision is mailed. The reason for the appeal must be specifically defined in order for the review body to respond to the appeal. If an appeal is filed, you will be notified of the time and location of the appeal hearing.

There is a fee charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver.

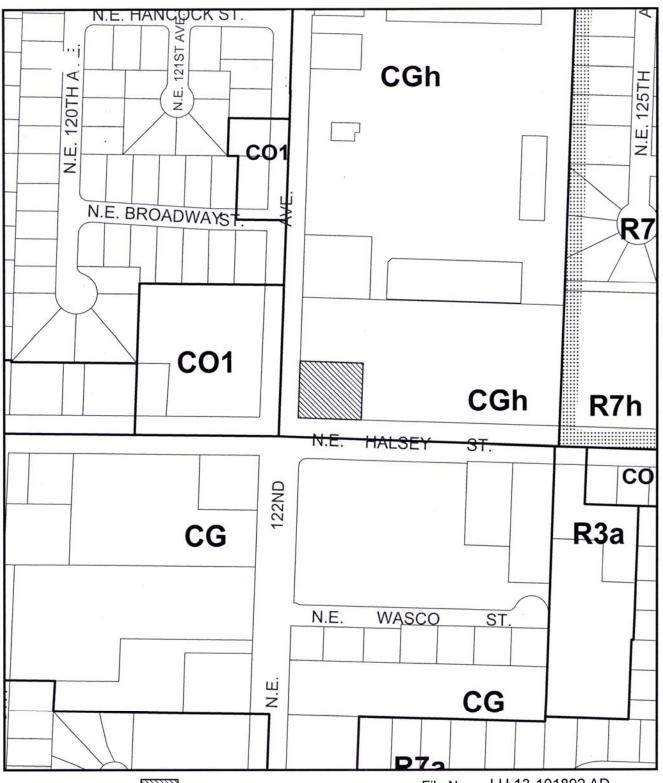
#### APPEAL OF THE FINAL CITY DECISION

After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. The phone number for LUBA is 1-503-373-1265. Issues that may provide the basis for an appeal to LUBA must be raised prior to the comment deadline or prior to the conclusion of the hearing if a local appeal is requested. If you do not raise an issue with enough specificity to give the Bureau of Development Services an opportunity to respond to it, that may also preclude an appeal to LUBA on that issue.

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).

#### **Enclosures:**

Zoning Map Site Plan Building Elevation



ZONING Site

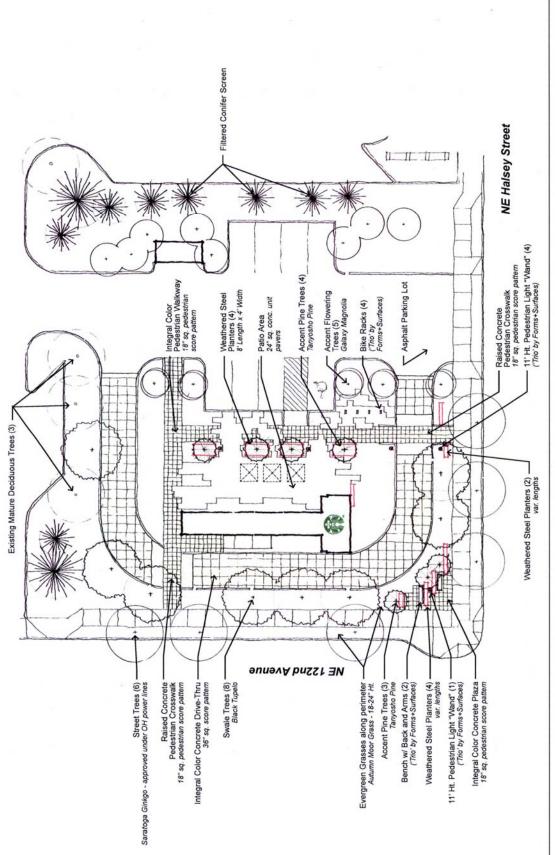
↑ NORTH File No. LU 13-101892 AD

1/4 Section 2843,2943,3715

Scale 1 inch = 200 feet

State\_Id 1N2E26CC 4700

Exhibit B (Jan 08,2013)









NO NE LE MAN

STARBUCKS - NE 122nd & NE Halsey St. Revised Landscape Plan

February 15, 2013



Starbucks Coffee Company
240 Law Aeros South
2

Exterior Elevations

A-201

1510 NE 122nd Ave Portland, OR 97230 Research Date By 122nd & Halsey

Sheet Notes Exterior Elevation Notes

In Section Commerce of Commerc E. Signage Contractor to install agnage in compliand local codes and obtain permit and landors approve

South Exterior Elevation 0

0

0

0

(3) North Exterior Elevation

0

West Exterior Elevation

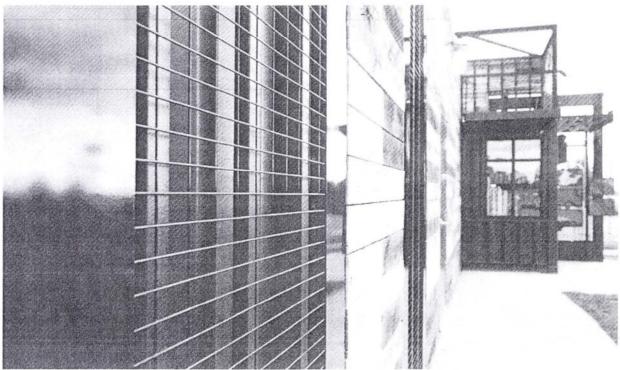
9

2 East Exterior Elevation

0

## IMAGES OF A SIMILAR STARBUCKS CONTAINER DRIVE-THRU STORE IN DENVER, CO





Holst Architecture January 8, 2013