



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**  
FROM CONCEPT TO CONSTRUCTION

Chloe Eudaly, Commissioner  
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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** March 16, 2017  
**To:** Interested Person  
**From:** Don Kienholz, Land Use Services  
503-823-7771/Don.Kienholz@portlandoregon.gov

## **NOTICE OF A TYPE II PROPOSAL IN YOUR NEIGHBORHOOD**

Development has been proposed in your neighborhood. The proposed development 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 p.m. on April 6, 2017**. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 17-111545 AD, in your letter. It also is helpful to address your letter to me, Don Kienholz. You can also e-mail your comments to me at my e-mail address identified above.

## **CASE FILE NUMBER: LU 17-111545 AD**

**Applicant:** Shea Gilligan  
Brett Schulz Architect  
2222 NE Oregon St #203  
Portland, OR 97232

**Owner:** Avi Services Inc.  
12709 SE Division St  
Portland, OR 97236

**Site Address:** 10561 SE DIVISION ST

**Legal Description:** TL 2000 0.20 ACRES, SECTION 03 1S 2E  
**Tax Account No.:** R992030640,  
**State ID No.:** 1S2E03CC 02000  
**Quarter Section:** 3241

**Neighborhood:** Hazelwood, contact Arlene Kimura at 503-252-9429.  
**Business District:** Midway, contact [info@midwaybusiness.org](mailto:info@midwaybusiness.org).  
**District Coalition:** East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.

**Zoning:** CG – General Commercial

**Case Type:** AD – Adjustment Review  
**Procedure:** Type II, an administrative decision with appeal to the Adjustment Committee.

**Proposal:**

The applicant is constructing a new retail building with a drive-through window. The proposal includes two stacking lanes: the primary lane measuring 138-feet from the entrance at the property line to the Service Area and the secondary measuring 60-feet from the entrance at the property line to the merge point into the primary stacking lane. Portland Zoning Code section 33.224.050.B.1 requires stacking lanes to be 150-feet in length for a single lane or 80-feet in length where there is more than one lane. Because one lane does not measure at least 150-feet in length and both are not more than 80-feet in length, an Adjustment to the standard is required.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33. Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. of Section 33.805.040, Adjustment Approval Criteria, have been met.

**33.805.040 Approval Criteria**

- A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and**
- B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and**
- C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; (*not applicable*) and**
- D. City-designated scenic resources and historic resources are preserved; (*not applicable*)**
- E. Any impacts resulting from the adjustment are mitigated to the extent practical; and**
- F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable; (*not applicable*)**

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 26, 2017 and determined to be complete on March 7, 2017.

**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.
- 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 [www.portlandonline.com](http://www.portlandonline.com).

**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.

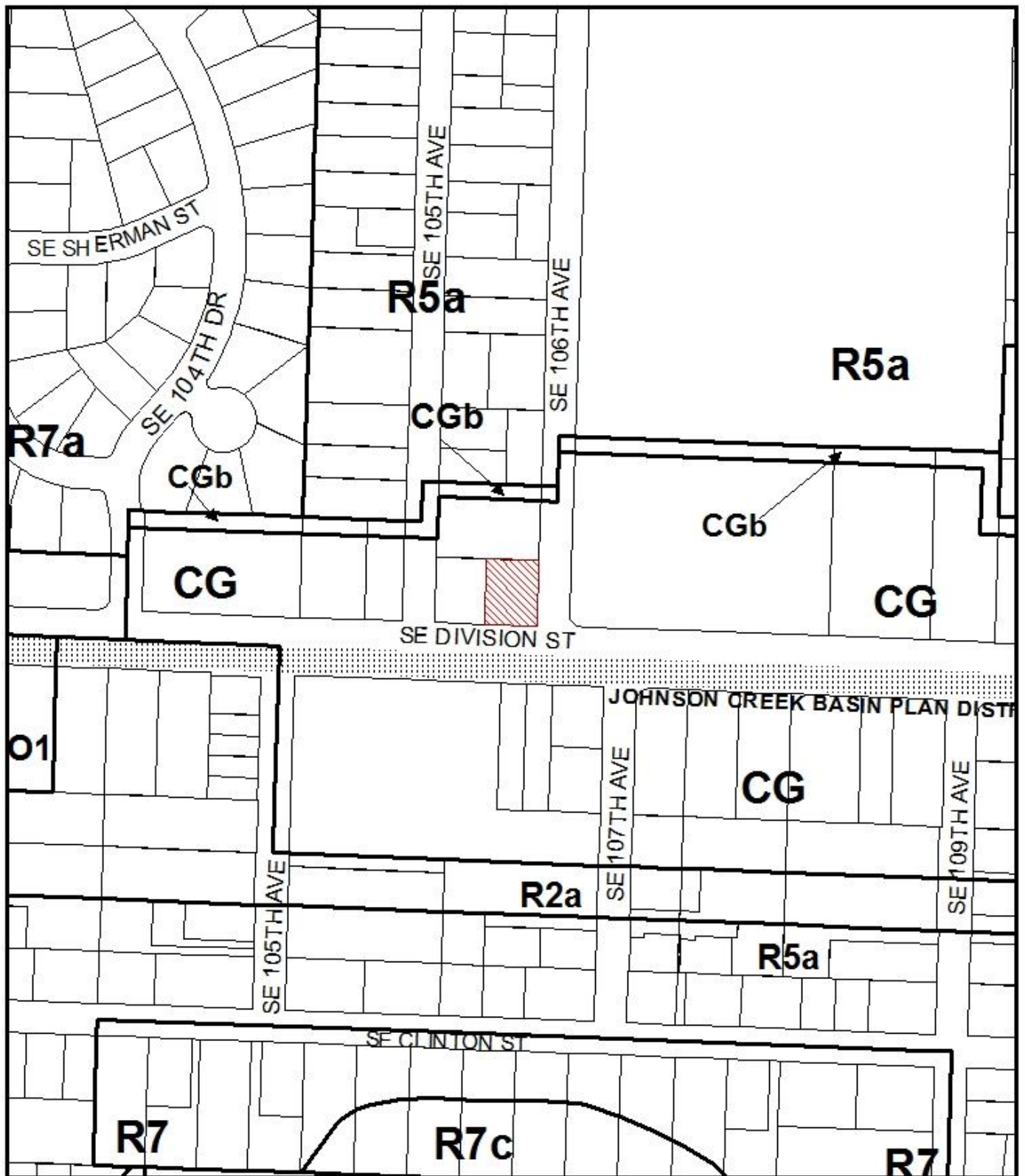
**APPEAL OF THE FINAL CITY DECISION**

After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283. 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



# ZONING

 Site

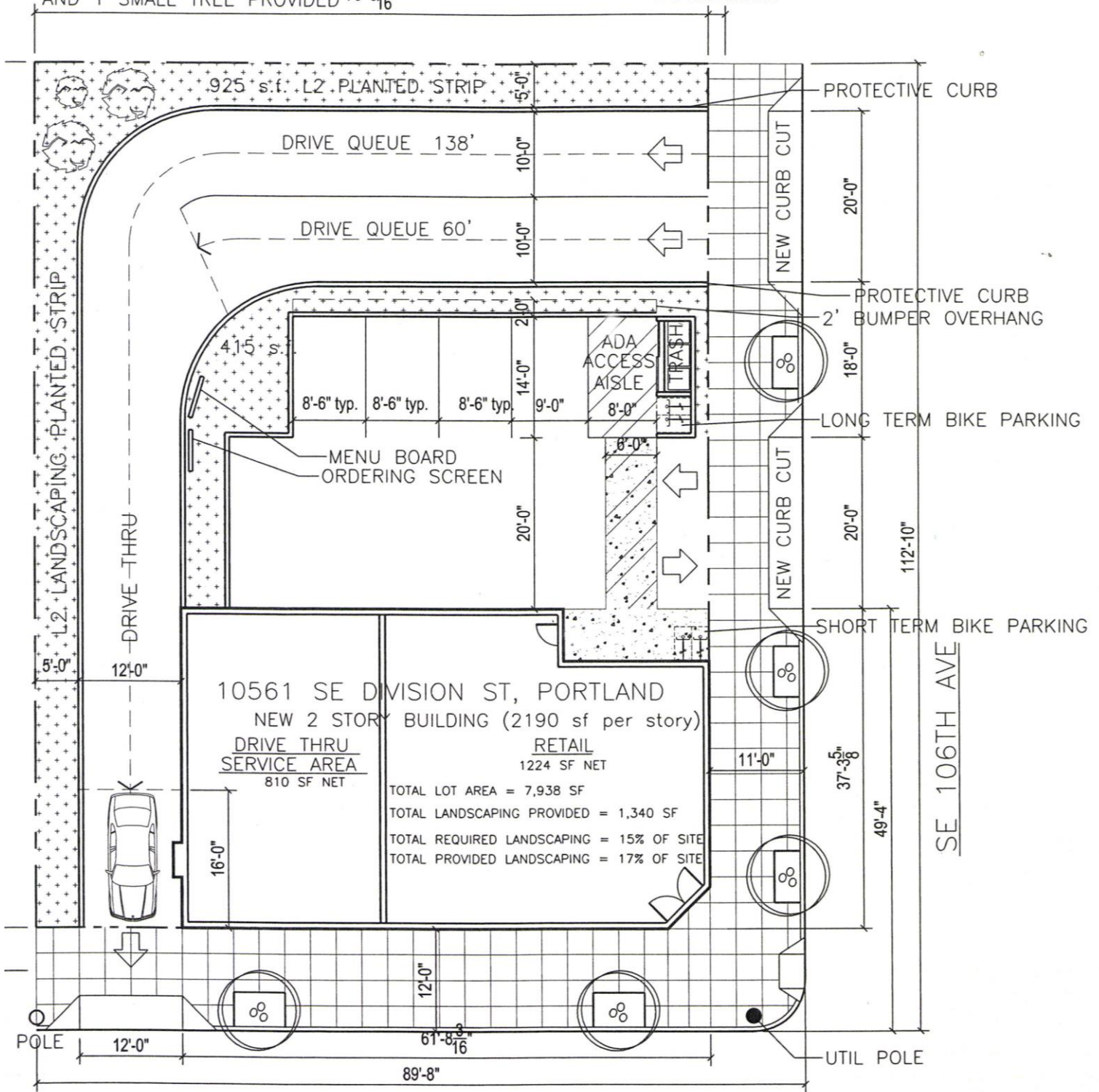


File No. LU 17-111545 AD  
 1/4 Section 3241  
 Scale 1 inch = 200 feet  
 State\_Id 1S2E03CC 2000  
 Exhibit B (Jan 31, 2017)

FEB 21 2017

AS PER TABLE 50-3  
1,191 SF OF TREE AREA  
= 2 MED TREES,  
AND 1 SMALL TREE PROVIDED  $78'-8\frac{3}{16}"$

2'-0" DEDICATION



SE DIVISION ST



**Brett Schulz**  
architect

2222 NE Oregon St, Suite 203  
Portland, Oregon 97232  
503.222.9099  
www.brettschulz.com

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**PROPOSED SITE PLAN**

1"=16' @ 11x17

Jan 26, 2017



LU 17-111545