

ORDINANCE NUMBER 1619

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE NUMBER 1437, THE COMPREHENSIVE PLAN; AMENDING ORDINANCE NUMBER 1438, THE ZONING ORDINANCE; AMENDING THE COMPREHENSIVE PLAN MAP; AND AMENDING THE ZONING ORDINANCE MAP.

WHEREAS, the Comprehensive Plan was adopted in 1979 and needs periodic updating, and

WHEREAS, the Zoning Ordinance, which reflects Comprehensive Plan policy, needs updating when the Plan is revised, and

WHEREAS, the Comprehensive Plan and Zoning Ordinance have been reviewed and are in need of amendment, based on the findings below,

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

. Section 1. Findings. The Findings of fact and Conclusions stated in the December 16, 1986, Staff Report and the February 17 1987, Memorandum to City Council are hereby made a part of this ordinance by reference. Specifically, these include the general information on pages 2 thru 7 (Section I thru VII) of the December 16, Staff Report; the Plan Review Criteria findings on pages 9 thru 16 (Section VIII) of the December 16, Staff Report; the Zoning Ordinance Criteria findings on pages 16 and 17 (Section IX) of the December 16 Staff Report; the Conclusions on page 18 (Section X) of the December 16, Staff Report; the Attachments A thru H of the December 16, Staff Report; the ISSUES Section (pages 2 thru 4) of the February 17 memorandum; and the Memorandum from METRO attached to the February 17, Memorandum.

Section 2. Comprehensive Plan Map Amendment. Figure 6 (Land Use Plan) of Ordinance 1437 is amended by changing the designation of the following described property from "I" (Industrial) to "C" (Commercial):

T1S, R1E, Sec. 36AB, W.M., Tax Lots 8300, 8500, 8600, 8700, 8800, 8900; T1S, R1E, Sec. 36AC, W.M., Tax Lot 100; T1S, R1E, Sec. 36AD, W.M., Tax Lot 3200, 3300, 6100, 6101, 6200, 6300, 6400; and as shown on Attachment A of the Staff Report (CPA-86-05/ZC-86-08/ZA-86-03).

Section 3. Zoning Ordinance Map Amendment. The Zoning Map of Ordinance 1438 is amended by changing the designation of the following described property from "M" (Manufacturing) to "C-CS" (Community Shopping Commercial):

ORDINANCE NUMBER 1619

Description as stated in Section 2 Amendment of this ordinance.

Section 4. Comprehensive Plan Text Amendment. The Economic Base and Industrial/Commercial Land Use Element of Ordinance 1437 is amended by:

- A. Amending Objective #6 - Commercial Land Use: Regional Centers by amending the Planning Concepts to read:

For the purpose of categorizing and establishing commercial centers, in Milwaukie, the following types of centers are defined:

and by adding between Regional Center and District Center:

- o Community Center - a commercial shopping center serving (generally) 90,000 people on 15-30 acres, and containing at least 200,000 feet of leaseable space. The center should contain a department store (soft goods/clothing), a drug/variety or discount store, a supermarket, retail shops, and related uses.

- B. Adding Objective #12:

Objective #12 - Commercial Land Use: Community Centers

To provide for the weekly and comparison goods shopping needs of the City's and surrounding areas' residents.

Policies

1. The City's Community Shopping Center will be located on Highway 224, between Oak and 37th Streets.
 2. The Community Shopping Center will be designed to be an attractive community focal point.
 3. The Center will be designed and developed as a planned center.
4. The Center will increase comparative and one-stop shopping services, thereby reducing vehicular trips outside the City, and providing better shopping services to the area.

ORDINANCE NUMBER 1619

5. The Zoning Ordinance will contain a Community Shopping Center district with specific standards for development. The provisions will implement these Plan policies.

Section 5. Zoning Ordinance Text Amendment. Amending the Zoning Ordinance text by adding Section 3.14 to Ordinance 1438, as follows:

Section 3.14 Community Shopping Commercial Zone C-CS

In a C-CS zone the following regulations shall apply:

1. Uses.

Development shall be a Community-scale Shopping Center.

- a. Such center shall include at least three out of the four following uses:

- 1) Department Store Uses.
- 2) Drug and/or Variety Store Uses.
- 3) Food Supermarket.
- 4) Retail Specialty Shops.

- b. Such Center may include the following additional uses:

- 1) Eating and Drinking Establishment.
- 2) Financial Institution.
- 3) Entertainment Use (theater, etc.).
- 4) Personal Service Businesses.
- 5) Repair, Service, or Maintenance of goods authorized in this district.
- 6) Offices, Clinics, or Trade Schools, provided no more than 15% of the total floor space of the center is devoted to such uses.
- 7) Any other uses determined by the Planning Commission to be similar and compatible to the above-listed uses.

ORDINANCE NUMBER 1619

- c. Uses prohibited shall be: industrial, warehousing, vehicular sales or service, motels, adult entertainment business, machinery sales or repair, contractors office, and similar uses as determined by the Planning Commission.

2. Scale.

The minimum size of the Community-scale Shopping Center shall be 200,000 gross leaseable square feet. Construction of the Center may be phased, however, and the first phase must be at least 140,000 square feet. If construction is phased, all phases must be completed in three (3) years.

3. Procedure.

a. Application Review; minimum requirements:

- 1) Site Development Plan showing site and adjacent streets, access, parking, circulation, landscaped areas, location of buildings, location of pedestrian walkways, location of utilities, service areas, loading areas, lighting, utilities and public facilities.
- 2) Landscaping Plan showing size, species and location of plant materials, irrigation system, size contouring.
- 3) Preliminary Architectural Plans indicating floor plans, elevations, building orientation and signing.
- 4) Phasing Plan, if proposed.
- 5) Detailed Traffic Report, analyzing existing traffic, traffic generation, turning movements and impact on adjacent streets. Report shall recommend roadway improvements needed to mitigate impacts.
- 6) Proposed on- and off-site improvements to the remaining public facilities (water, sanitary sewer and storm sewer).

- b. The Planning Director shall forward the proposed application to the State Highway Division of the Department of Transportation, Tri-Met, to the City Public Works Director, City Fire Chief, City Police

ORDINANCE NUMBER 1619

Chief, and any other applicable review agency. In addition, the application shall be entered on the Planning Commission's next available agenda. Reviewers shall have 15 working days to respond in writing.

The Planning Commission shall hold a public hearing as provided in Section 10.05. The Planning Commission shall review the application against the approval criteria. The Commission shall issue a notice of decision with findings and conditions. The notice of decision shall be forwarded to the applicant and all reviewing agencies. A decision may be appealed as provided in Section 10.02.

4. Criteria for approval

An application for development will be approved if it meets the following criteria:

- a. It complies with the application requirements under Section 3.14.3.a. above,
- b. It meets the scale requirements of Section 3.14.2 above,
- c. It meets the use requirements of Section 3.14.1 above,
- d. It meets the development standards of Section 3.14.5 below,
- e. The site plan and building orientation/design shall address the following guidelines:
 - 1) Create an aesthetically pleasing development by the use of quality materials and the arrangement of buildings, landscaping, and parking.
 - 2) Relate functionally to the site, surroundings, and internally,
 - 3) Be designed to maximize safety and convenience, for the motorist and pedestrian,
 - 4) Be designed to consider crime prevention techniques,
 - 5) Signs shall be integrated into the design of the Center.

ORDINANCE NUMBER 1619

5. Development Standards.

a. Setbacks (minimum) from property line:

- 1) Along Hwy. 224: 30 feet.
- 2) Along Oak Street: 40 feet.
- 3) Along 37th Street: 20 feet.
- 4) From other property lines: 5 feet.

b. Heights (maximum):

Three stories or 45 feet, whichever is less.

c. Access:

- 1) Maximum of two (2) curb cuts along Oak St. frontage.
- 2) Maximum of three (3) curb cuts along 37th St. frontage.
- 3) Location of access points to be approved by the Public Works Director, after consultation with the State Highway Division.

d. Landscaping:

- 1) A minimum of 20% of the net site area shall be landscaped. Net site area is gross site area minus row dedications.
- 2) All setback areas to be landscaped.
- 3) A landscaped berm on the Hwy. 224 and Oak St. frontages shall be installed. The berm shall be designed to provide visual relief from the parking and activity areas of the Center. The berm may be 'tapered' down on either side of access drives.
- 4) An irrigation system shall be installed for the landscaped areas.
- 5) Trees (minimum 6 feet high at time of planting) shall be planted, at least one every 50 feet, along the bermed landscaped areas adjacent to streets.

ORDINANCE NUMBER 1619

- 6) "Landscaped" shall mean a combination of ground cover, shrubbery and trees installed to form a unified landscape.
- 7) A bond or financial guarantee of performance will be required.

e. Utilities:

All utilities (electric, gas, telephone) shall be installed underground.

f. Transit:

Reserve areas for transit facilities (bus turn-out, shelter, benches, station, etc.) for the use of mass transit if requested by Tri-Met in their review of the project.

g. Public Facilities:

All necessary public facilities (water, sanitary sewer, storm sewer, streets) must be improved to meet City and State standards.

h. Parking requirements of Article 5.

i. Design Standards:

- 1) Roof-mounted mechanical equipment shall be screened from view,
- 2) Loading and delivery areas should be separated from parking and pedestrian areas,
- 3) A minimum of eighty percent of the floor space shall be designed as an enclosed Mall (where access from one store to another is possible without walking outside). Alternatively, a pedestrian walkway covering is permitted, if designed to shelter pedestrians from inclement weather,
- 4) Outdoor trash or delivery areas are screened from the public's view.

ORDINANCE NUMBER 1619

Read the first time on December 16, 1986, and moved to second reading by 3 - 2 vote of the City Council.

Read the second time and adopted by the City Council on February 17, 1987.

Signed by the Mayor on February 26, 1987.

Mayor

Roger A. Hall

ATTEST:

Jerri L. Widner

Jerri Widner, City Recorder

Approved as to form:

Greg Eades

Greg Eades, City Attorney