

MILWAUKIE PLANNING COMMISSION  
MINUTES  
TUESDAY, JULY 12, 1994

COMMISSION PRESENT

Pat Lent, Chair  
Bill Johnson  
Debi Linn  
Scott McClure  
Carolyn Tomei  
Don Trotter

STAFF PRESENT

Maggie Collins,  
Community Development. Dir.  
Dave Krogh,  
Associate Planner  
Shirley Richardson,  
Hearings Recorder

COMMISSIONERS ABSENT

Gordon Jones

OTHERS PRESENT

Rob Kappa, City  
Counselor

1.0 CALL TO ORDER

**Chair Lent** called the meeting to order at 6:35 p.m.

2.0 PROCEDURAL QUESTIONS - None.

3.0 CONSENT AGENDA

3.1 PLANNING COMMISSION MINUTES - June 14, 1994 and June 28, 1994

**Don Trotter** moved to approve the minutes of June 14, 1994, as corrected. **Bill Johnson** seconded. MOTION CARRIED 5-0, with one abstention. **Carolyn Tomei** was not at that meeting.

**Carolyn Tomei** moved to approve the minutes of June 28, 1994, as corrected. **Debi Linn** seconded. MOTION CARRIED 4-0, with two abstentions. Scott McClure and Pat Lent were not at that meeting.

4.0 PUBLIC COMMENT -- None.

5.0 PUBLIC HEARINGS

- 5.1 Applicant: RCM Construction  
Property Owner: Douglas Boyd and Bill Underwood  
Location: SE Corner of Milwaukie Marketplace near SE 37th  
Proposal: Construct three dental offices on westerly portion of property located in the Milwaukie Marketplace (CSC-94-01). Subdivide property into 5 lots to accommodate the proposed development (S-94-01). Site has wetlands along southeastern portion of parcel to be developed (NR-94-02). An access variance is requested (VR-94-03).

**Chair Lent** opened the public hearing on the construction of three dental offices, subdivision of property into five lots, subdivision request, and natural resource designation for RCM Construction Company. She asked if there were any conflicts of interest or ex-parte contacts to declare. There were none. She asked if there were any Commissioners who visited the site, six hands were raised. None of the Commissioners who raised their hands spoke to anyone at the site or noted anything different from what is indicated in the Staff Report for this application. No one in the audience questioned the impartiality of any Commission member.

Dave Krogh indicated that there are four applications being considered concurrently. The Applicant is requesting construction of three detached dental office buildings on the remainder of the unbuilt portion of the Milwaukie Marketplace Shopping Center site fronting SE 37th Avenue.

In addition, S-94-01 is a request for preliminary plat approval for a subdivision. This is a commercial lot subdivision. The Applicant wants to divide this property into 5 lots, providing access via easement (access variance) for 3 of the lots.

NR-94-02 is a review of the Applicant's plans regarding the existing wetlands reserve area and to establish a specific boundary for the wetlands reserve area on the portions of 3 of the lots which front the wetland water feature along the Hwy 224 frontage.

VR-94-03 is for a access variance. All five proposed lots front either a public street or highway, only two of them potentially have access onto a public street. Two lots front SE 37th. Highway 224 is a state limited access highway and ODOT (Oregon Department of Transportation) will not grant access to proposed lots A, B, C. Therefore the City asked the Applicant to go through an access variance process. The Applicant is proposing that access

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for lots A, B, C, D, and E come off the shopping center internal access circulation roads. There are two access points off of Oak Street and one off of SE 37th.

On January 26, 1993, the Planning Commission held a public hearing on a proposal to construct a single dental office building on this site (PR-92-01). It was approved but not followed through. The current owners desire to modify the original proposal. The CSC (Community Shopping Center) Zone was created specifically for the Milwaukie Market Place site for that development.

The initial proposal for a 220,000 sq.ft. shopping center and the ultimate development, including pad sites, were approximately 180,000 sq.ft. The Applicants were not able to market all of the space they wanted to. A proposed 40,000 sq.ft furniture store did not go in. This is the last remaining piece of property at the Marketplace. All of the parking within the Milwaukie Marketplace site was intended to be shared-parking. A variance was given to parking standards to accommodate the shared parking access, which is also built into this development plan.

The Applicant is requesting a plan review of criteria in Section 215.3 of the Zoning Ordinance. Staff has prepared findings and conditions of approval, which are outlined in the Staff Report. Setbacks, building height access, and landscaping are all met by plans submitted by the Applicant. The proposed building will be one-story in height. CSC Zone would allow additional access on SE 37th. Public Works has indicated that they would prefer the internal access road be used exclusively for all five proposed lots.

Utilities are all in place; they were stubbed out to this site. The Milwaukie Market Place is not presently served by transit; however, the roadways were considered by Tri-Met and they are adequate for services to this area. A total of 90 spaces for parking is proposed; with 27 spaces shared with McGrath's. Only 26 spaces are required. This proposal exceeds the parking requirement; however, the intent was for shared parking.

Comments were received from the City Transportation Planner regarding excessive amount of spaces. She stated that there should be a pedestrian access to the pad sites in the Milwaukie Marketplace. Staff recommended modifications to the plan to eliminate excess parking and also to accommodate pedestrian access.

**Dave Krogh** showed a platted map for the proposed development. Some existing parking will be eliminated and the sidewalk will be extended. Delivery facilities will be minimal; no roof-mounted heating or cooling equipment is proposed. The trash storage is screened. The Applicant has provided a landscape plan which includes bank enhancement of the wetland area and a combination of lawn, bushes, and trees for the remainder of the area. The proposed landscaping plan is appropriate for the site.

The design of the buildings is significantly different from the other structures on the site. The Applicant suggests that these are different uses, a stand-alone dental/medical-type office complex. The intent is that these building not look like retail shops, but for a related commercial use that looks nice and is complimentary in nature to the other structures at the Marketplace.

The Applicant proposes to enhance the frontage along the wetland reserve area. The structures are as close to the wetlands area as possible to take advantage of the wetland aesthetics. Shari's and McGrath's are located close to the reserve; they have not impeded wild-life use on these sites. Lighting will not be directed to the wetlands. Windows will present a pleasing aspect to customers.

A monument brick, unlit sign has been proposed that will be directed internally to the office sites. It will be located on the front of buildings B and C. Lots D and E are intended for future development. Public Works stated that no additional access will be allowed onto 37th.

S-94-01 is a five-lot subdivision with proposed lots A, B, C, D, and E. There is adequate space for construction and parking on all lots. The preliminary plat does meet the requirements of the intent of the Ordinance for signs. This application is contingent upon others being addressed tonight. Staff suggests that the NR boundary coincide with the wetland reserve as shown on the final plat.

Staff feels that all of the criteria are met by VR-94-03. There are already pre-existing lots in the shopping Center.

Natural Resource Review findings have been written. The Applicant has had a wetland specialist look at the property; a letter is attached. The City has recognized the need for a boundary in the past. The Natural Resource review process was created to obtain the best management and protection.

The setbacks are appropriate compared to other sites Staff has reviewed. The Applicant's setbacks are better than Shari's and McGrath's. A lighting plan will be required to make sure no lighting goes into the wetlands area.

Staff recommends approval of CSC-94-01 with findings and five conditions, S-94-01 with findings and nine conditions, VR-94-03 with findings and three conditions, and NR-94-02 with findings and four conditions as outlined in the Staff Report.

Photographs were taken of the subject site and passed to the Commission for review.

#### QUESTIONS OF STAFF

**Debi Linn** stated that she is not comfortable with the polluted water runoff onto the wetlands area. She voiced concern with the maintenance of that area to keep the pesticides, oil, etc. from going into the wetlands area. She asked if Staff had given this consideration. **Dave Krogh** stated that the Applicants will be required to provide a Erosion Control Plan and Storm Drainage Plan for their buildings. This will prevent any impact on the wetlands by construction activity. The property will also be graded so that no lawn runoff will go into the wetlands area.

**Don Trotter** indicated that the drawings given show proposed property lines for all the lots except Lot A. Shared parking is indicated, but not a lot line for A. **Dave Krogh** explained that there should be an easement in effect already that allow for shared parking. He pointed out that the northernmost line for Lot A is already partially developed with parking spaces that serve McGrath's.

**Don Trotter** asked why the two-year period for approval of CSC conditions were selected over the usual one-year period. **Dave Krogh** explained that it takes a while to complete the platting process. The two-year period was selected to allow a little more time for all the additional site plan corrections that will be requested.

**Don Trotter** stated that he did not see any indication of pedestrian access between the proposed sidewalk and the buildings. **Dave Krogh** stated that Staff felt that this could be addressed in the modifications to the site plan.

**Carolyn Tomei** asked if this Application takes into consideration the facing of buildings to the public street? **Dave Krogh** stated that the new section in the Zoning Ordinance, Section 1400, that requires compliance with the State Transportation Planning Rule, was not in effect when these applications were submitted. New development as yet to be proposed for Lots D and E will have to meet Section 1400.

**Scott McClure** asked if consideration was given to the fact that the main driveway does not line up with the new driveway access to allow for a four-way intersection. **Dave Krogh** stated that the City tried to locate this access midway between where most of the internal circulation will occur.

**Chair Lent** asked for clarification on how the proposed buildings will not be a part of the Shopping Center, but will use the zoning and access requirements. **Dave Krogh** explained that these buildings will not be a part of the commercial retail parts of the shopping center, however, it will be part of the overall shopping center district. Part of this issue refers to design; there will not be a sameness of appearance with the rest of the Shopping Center.

**Bill Johnson** asked why McGrath's was allowed shared parking and not required to have assigned parking spaces? **Dave Krogh** stated that shared parking was a new concept created for this shopping center. There are easements for shared parking throughout the Shopping Center; this allows the parking area to be utilized more efficiently. **Chair Lent** explained that the concept was for one-stop shopping; you can park in one spot and visit all the stores.

**Chair Lent** asked Staff if there was any correspondence received by Staff regarding this Application. **Dave Krogh** stated that there was none.

#### APPLICANT PRESENTATION

Speaking: Alex Jansen, RCM Construction, 8401 NE Halsey, Suite 202, Portland, OR 97220.

**Mr. Jansen** stated that he represented the Applicants. He stated that Dave Krogh had covered the parameters of this project well. The project was originally designed to be a single building to house five practices which were approved by the Planning Commission in January, 1993. The project was not economically feasible and was scrapped.

A new approach was taken; the owners feel this application is the best way to entice and take advantage of the medical complex concepts, curb appeal concepts and traffic flow.

This complex will incorporate Milwaukie Shopping Center concepts. The proposed development will be consistent with existing buildings on this side of the Center site. The design will take the maximum advantage of the wetlands and natural landscaped areas. Most of the undeveloped portion is technically a wetland and the other area is not yet part of the wetlands inventory. The Applicant will be designating a wetlands area in the process of development.

A natural resources biologist was instrumental in designing the landscape plan to enhance the area that will comprise the natural resources area and to create a transition area that leads to the formal landscaping for the site.

Drainage is indicated on the landscaping plan. The drainage is proposed to drain away from the natural resource area. The intent is to establish and enhance the natural resources and wetland areas.

The buildings are a northwest-type design; full hip roof with tile. The center building will be brick with a tile roof. The building on Lot A will be tile and 1x4 Cedar with a tile roof. The building to the south will be brick and wood. There will be a continuous theme between the three buildings.

These will be dental offices; destination-type offices. The concept of the breezeway or walkway was considered, but it was not consistent with the style and doesn't really work with the crossing of property lines. There is some concern about pedestrian traffic crossing across the arterial that comes in off of 37th Avenue. They have tried to maximize the availability of parking on the proposed site. That is why they proposed so many parking spaces. The parking must be accessible to all structures.

**Mr. Jansen** stated that if they are required to put in a sidewalk, he would like to construct the sidewalk for Lots A and B. The owners of parcels D and E should be required to put in the rest of the sidewalk. **Mr. Jansen** stated that he is fully in acceptance of all Staff's recommendations.

#### QUESTIONS FROM THE COMMISSIONERS

**Carolyn Tomei** asked for clarification on the proposed drainage. **Mr. Jansen** stated that the proposed Drainage Plan is to collect the water from the building roof and sidewalks for a swale to the side of the buildings. **Dave Krogh** reported that the Grading Plans have not been completed for review by Staff so the final elevations are not known. They will be reviewed for compliance when received.

**Don Trotter** asked if all five parcels are under one ownership. Will the ownership change with this development? **Mr. Jansen** stated that the parcels being developed will be under separate ownership; Lots A, B, C will have separate owners. Lots D and E will be owned by the same owner as Lot B.

**Don Trotter** asked if all the roof structures will be tiled? **Mr. Jansen** stated that the elevation drawing indicating architectural 90 composition is incorrect. The roofs will be tiled.

**Don Trotter** stated that west and east elevations show a six-foot fence to be provided by the owner. There is no indication on the site plan or landscape plan to a fence. **Mr. Jansen** stated that the plat map is correct, there are no fences to be constructed.

**Don Trotter** asked if there are any other inconsistencies on the drawings? **Mr. Jansen** stated there were none.

**Don Trotter** stated that he was involved in the original proposal for this shopping center. The Plat Plan shows 90+ parking spaces, 33 of them exist now adjacent to the restaurant. This proposal will add 64 parking spaces, adding to the existing parking specifically to these proposed three buildings. If the 12 parking spaces are eliminated, it will leave 52 spaces. He asked why the Applicant feels it is necessary to put in parking spaces 66 - 71. **Mr. Jansen** stated that these spaces will be primarily for staff parking. Patient and handicapped parking is also provided here.

**Don Trotter** asked if there will be easements on Parcels D, E, and C for access and/or parking. **Mr. Jansen** stated that parking is automatic because of shopping center requirements. There will be access through the common drive to the Marketplace. This will be an easement between the owners of the subdivision. It will be provided with the final submittal.

**Carolyn Tomei** asked for clarification on the Applicant's concern about people crossing the internal access strip of the Shopping Center. **Mr. Jansen** stated that his concern was that if they didn't provide sufficient parking, those customers having to park away from the building would have to cross the access strip. This access strip is as busy as a road.

#### TESTIMONY IN FAVOR

Speaking: Ruth Edwards, 1925 SW Spring Garden Street, Portland OR 97219

**Ms. Edwards** stated that she has property is on 39th and Railroad. She stated that she has no problem with the development. She feels this addition will enhance her property.

Speaking: Dr. Boyd, Business - 2403 SE Monroe, Home - 1841 SW Montgomery Drive  
Portland

**Mr. Boyd** stated that he is one of the owners of the proposed development. He is a Dental Specialist, Orthodontist, who has practiced in Milwaukie since 1982. His current office is too small. Because of the requirements by OSHA, it is necessary to update their facilities to provide a better quality of care and better safety to his patients.

One of the main purposes of moving to this area, is that it is available land space and provides an opportunity for a better quality of care situation and environment for his patients.

He asked that the Planning Commission approve their application. This project will enhance the look and feel of this Shopping Center. They are looking forward to moving as soon as possible.

#### QUESTIONS FROM COMMISSIONERS

**Bill Johnson** asked Mr. Boyd how many employees he currently has and how many more will be needed for the new site? **Mr. Boyd** stated that he has four employees and may hire two more employees when the new building is completed.

**Chair Lent** stated that she is concerned about the amount of parking proposed for this development. The intent of shared parking is to reduce the need for extra parking as requested. She also voiced concern about the fact that parcels will be sold and there is a possibility that the new owners would not need the amount of parking proposed.

**Chair Lent** asked if the owner of the site has the responsibility for the sidewalk? **Dave Krogh** reported that the responsibility of the sidewalk is a case-by-case decision. An agreement is signed with the City for completion of the sidewalk. The Planning Commission has the authority to require completion of the sidewalk.

**Debi Linn** asked why there is no sidewalk access between Buildings B and C? The TPR (Transportation Planning Rule) requires that other avenues of pedestrian paths, biking paths, etc. be addressed. **Dave Krogh** reported that conditions will be added to require sidewalks between the buildings. Section 315.4E of the Zoning Ordinance relates to the site plan within the CSC Zone.

**Carolyn Tomei** commented that if the employees were to park in the internal parking areas, they would only have to cross traffic two times a day. This would eliminate the need for so many parking spaces.

**Bill Johnson** stated that he feels all of the parking is needed. The employees of the three buildings will need parking.

#### APPLICANT'S CLOSING COMMENTS

Speaking: Alex Jansen, RCM Construction, 8401 NE Halsey, Suite 202, Portland, OR 97220

**Mr. Jansen** stated that the optimal amount of parking is needed for the safety of the employees and patients. He stated that the additional sidewalk would mean a decrease in landscaping. There is already a sea of parking at the shopping center; cutting five spaces from his development will not impact this at all.

The buildings are set in their configuration. The entire complex is designed around the enhancement of the wetlands and the use of the wetlands to enhance the buildings. Patients will be looking out onto the wetlands. To reconfigure the buildings would defeat the purpose of enjoyment of the wetlands.

#### DELIBERATION AMONG COMMISSIONERS

**Chair Lent** closed the hearing to public testimony and entered into deliberation among the Commissioners.

**Carolyn Tomei** asked Staff what the speed limit is in the complex. **Dave Krogh** stated that the speed limit in the shopping center is not posted because it is a private internal access. There are speed bumps to keep the speed down.

**Debi Linn** stated that she would like to see the sidewalk included in the final plat. She suggested that the drainage between the wetlands and the back of property have a French Drain system to insure that the water is going away from wetlands.

**Don Trotter** asked how the natural resource boundary was determined. **Dave Krogh** explained that the natural resource boundary lines were provided by the Applicant on the site plan. It is based on the actual pre-established wetland reserve area that was originally constructed as a landscaping feature by the Milwaukie Market Place. The original line was based on overall site plan scheme. The wetland reserve was set up to be protected. This feature is specifically located on the site map.

**Don Trotter** asked the Applicant who prepared the site drawing. **Mr. Jansen** stated that his office completed the site drawings. Also, what was used for a basis for locating the hired biologist. The biologist determined where he felt the boundary line should start and stop and they submitted that information on the drawing. Survey data has not yet been presented. The line established, as determined by the wetland biologist survey, will be submitted to the City with the Grading Plan.

**Don Trotter** moved to approve NR-94-02 with the findings and conditions 2, 3, and 4 as proposed in the Staff Report. Condition #1 to be amended to read, "The proposed wetland line shown on Exhibit I, exact location be determined by the wetland biologist survey data which shall be submitted to the City." **Carolyn Tomei** seconded. MOTION CARRIED 6-0.

**Chair Lent** opened discussion on construction of three separate dental office buildings, CSC-94-01.

**Don Trotter** cited from the CSC Ordinance, Paragraph 315.4E3, Site Plan and Building Orientation Design, "Be designed to maximize safety and convenience for the motorist and pedestrian..." He asked if Tri-met has reviewed and decided on a Tri-Met bus terminal at the shopping center? **Dave Krogh** reported that a terminal has been reviewed and not required at this time.

**Don Trotter** stated that part of this development is pedestrian oriented. Mass transit has been encouraged in the Zoning Ordinance in Section 315.5F. Guidelines indicate what the City feels is appropriate pedestrian access for various commercial activity in the City. He feels that the sidewalk should be placed all the way up to 37th Avenue and should connect to the existing east/west sidewalk system in the Shopping Center as a whole.

There are existing curb cuts for wheelchairs on parcel A. This is a curb cut without a sidewalk. Where does the existing sidewalk stop coming from McGrath's? **Dave Krogh** pointed it out on the map.

**Chair Lent** stated that there should be some modifications to allow for bicycle safety. The sidewalk would provide safety. There are no provisions for bicycles throughout the shopping center. The sidewalk would provide for a curb line that the bicyclist could go along.

**Don Trotter** stated that the sidewalk would provide for the safety of the people who are walking to the site from the surrounding neighborhood or riding mass transit to have the opportunity to walk to these buildings from the sidewalk without having to walk through parking lots. He suggested that a sidewalk be placed from the main sidewalk adjacent to the access road to the buildings, so pedestrians can walk to the buildings without having to use the parking lot as their sidewalk.

**Scott McClure** stated that he agrees with the sidewalk to the buildings, but does not feel that the Applicant should be penalized by requiring them to build a sidewalk around the rest of the shopping center. **Maggie Collins** explained that a reimbursement agreement can be

arranged so when Lots D and E are developed, their share of the sidewalk will be reimbursed by the purchasers. The recovery cost can be included in sale of the two lots.

**Don Trotter** CSC Ordinance indicates design of facilities, and that the design features be as indicated in testimony and not as shown on submitted drawings. Elimination of fence on parcel C should be noted as well.

**Don Trotter** stated that he was not in agreement with the Applicant's proposal for parking. There is more parking than they will need and it is reducing the amount of green space in the area. The minimum percent of landscaping is exceeded on each parcel by the proposal. However, based on current ordinances, he did not see any way to restrict the maximum number of spaces proposed as long as the minimum landscape coverage's were met. **Maggie Collins** indicated that there was basis in the Zoning Ordinance to require a minimum number of parking spaces. The Applicant is not prohibited from exceeding that minimum.

Discussion followed on the internal circulation of the shopping center and what sidewalks would be needed for pedestrian safety.

**Don Trotter** requested that the design features be as indicated in testimony and not as shown on the submitted drawings, i.e., tile roofs and the elimination of fence on parcel C.

**Scott McClure** asked where the provision for a drainage plan should be addressed? **Dave Krogh** stated that the drainage plan is a requirement of both the subdivision process and the building permit process.

**Chair Lent** suggested an addition to Section 3-3C, to complete the sidewalk prior to occupancy. Add to 4B, before last sentence add, "add sidewalk from SE 37th Avenue along the frontage of the internal circulation road to the existing sidewalk along the existing road or at a minimum, for the length of the property. In addition to sidewalks, pedestrian walkways shall be provided between the new access sidewalk and each building. The final arrangement of sidewalks shall be approved by Staff."

**Carolyn Tomei** moved to approve CSC-94-01 with the findings as outlined in the Staff Report, and with conditions #1-12 as outlined by Staff, amending Conditions 1 to add clarification as provided by Applicant testimony this evening, 3C for completion of sidewalk before occupancy as stated tonight, and 4B amended to include a sidewalk from SE 37th Avenue to the existing sidewalk as stated tonight. **Don Trotter** seconded.

**Don Trotter** amended the motion to include a correction on Finding #9C on Page 6-7, be changed to agree with motion, "...along the access road to the existing sidewalk for a minimum the length of the property." In addition, in order to provide adequate safe pedestrian access to transit, sidewalks or pedestrian pathways could be provided from the access sidewalk to the buildings. **Carolyn Tomei** concurred. MOTION CARRIED 6-0.

**Chair Lent** opened discussion on the subdivision application, S-94-01.

**Carolyn Tomei** suggested changing 2, on Page 9, to refer to "automobile access," not "access."

**Chair Lent** asked Staff to change the sections of the Subdivision Ordinance to reflect the new section numbers.

**Scott McClure** asked where it would be appropriate to require that the drainage plan be provided as part of site construction package? **Dave Krogh** explained that it would be an added condition in the Subdivision application.

**Scott McClure** suggested adding a Condition #6, "Due to the adjacent wetlands on the parcels, a Grading and Drainage Plan shall be submitted prior to issuance of building permit. Such a plan will delineate out especially the storm water drainage system for the built area as separate from the natural resource area."

**Don Trotter** moved to approve S-94-03 with the findings listed in the Staff Report and with Condition #1-5 as listed and adding a new Condition #6 as stated tonight. **Carolyn Tomei** seconded.

**Carolyn Tomei** amended the motion to include a correction to Finding #2 and #5, to add the word "vehicular" before access in both instances. Corrections will be made to the numbering system in the Subdivision Ordinance. **Don Trotter** concurred. MOTION CARRIED 6-0.

**Carolyn Tomei** suggested amending the CSC application by adding a Condition #3, "The number of parking spaces shall be limited to a revised site design for Lots A, B, and C only with the exception of the new access improvements that are adjacent to Lots D and E." The motion was defeated because of a lack of a second.

**Chair Lent** opened discussion on the variance to the arterial access requirements, VR-94-03.

**Scott McClure** moved to approve VR-94-03 with the findings and conditions as outlined in the Staff Report. **Debi Linn** seconded. MOTION CARRIED 6-0.

Recess was taken at 9:25 p.m. and the meeting reconvened at 9:33 p.m.

6.0 CONSIDERATION ITEMS - None.

7.0 OLD BUSINESS - None.

8.0 OTHER BUSINESS

8.1 Planning Commission Sub-Committee Reports

**Parking Committee.** **Don Trotter** reported that Debbie Bischoff is working on first draft of the revised parking ordinance. A meeting is scheduled to go over the concepts. A date will be finalized as to when the first draft will be completed.

**Tree Ordinance subcommittee.** **Chair Lent** reported that a meeting is scheduled to combine information received.

**Historic review.** - None.

8.2 Community Development Report

**Maggie Collins** reported that there are two regional projects that will require decisions in the future. She submitted an update schedule for the Light Rail Study and The 2040 Study.

At the last joint Council/Commission Worksession in May, a summary was made of the concepts discussed. She asked that the Commissioners to review this information to prepare for joint Council/Commission participation.

**Maggie Collins** reported that the Light Rail working group will meet Wednesday night, July 13, 1994, at the Public Safety Building at 6:00 p.m. to start reviewing the first batch of Metro data.

In August, Council worksession time has been scheduled for August 2nd and August 16 for discussion of Light Rail and the 2040 Study.

In September, Metro will be asking for comments on The 2040 Study. Worksession time will be scheduled with City Council. A joint Council/Commission worksession will be held on September 27th. The Light Rail working group will present their findings at that meeting.

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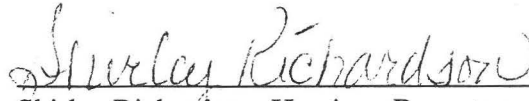
Commission Concerns: - None.

- 9.0 NEXT MEETING: July 26, 1994
- 9.1 NR-94-03 (PS Storage)
- 9.2 County Rezone WS #3
- 9.3 CD Report

Carolyn Tomei moved to adjourn the meeting of July 12, 1994. **Bill Johnson** seconded.  
MOTION PASSED UNANIMOUSLY. The meeting adjourned at 9:45 p.m.



Pat Lent, Chair



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Shirley Richardson, Hearings Reporter

*Notebook Packet*

**AGENDA**  
**MILWAUKIE PLANNING COMMISSION**  
Milwaukie Center, 5440 S.E. Kellogg Creek Dr.  
Tuesday, July 12, 1994, at 6:30 p.m.

- 1.0 Call to Order
- 2.0 Procedural Questions
- 3.0 Consent Agenda
  - 3.1 Planning Commission Minutes: June 14, 1994 and June 28, 1994
  - 3.2 City Council Minutes: June 21, 1994 (upon approval by Council)
- 4.0 Public Comment

This is an opportunity for the public to comment on any item not on the agenda.
- 5.0 Public Hearings (see Public Hearing Procedure on reverse)
  - 5.1 Applicant: RCM Construction  
Property Owner: Doug Boyd and Bill Underwood  
Location: SE Corner of Milwaukie Marketplace near SE 37th  
Proposal: Construct three dental offices on westerly portion of property (CSC-94-01). Subdivide property into 5 lots to accommodate the proposed development (S-94-01). Requesting variance to the arterial access requirements for new subdivision (VR-94-03). Site has wetlands along southeastern portion of parcel to be developed (NR-94-02).
- 6.0 Consideration Items - None
- 7.0 Old Business
  - 7.1 PC Sub-Committee Worksessions
- 8.0 Other Business
  - 8.1 Community Development Department Report
- 9.0 Next Meeting:
  - 9.1 NR-94-03 (PS Storage) (JC)
  - 9.2 County Rezone WS #3 (JC)

The Milwaukie Planning Commission welcomes your interest in these agenda items. Feel free to come and go as you please.

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**Milwaukie Planning Commission Mission Statement**

The Planning Commission serves as an advisory body to, and a resource for, the City Council in land use matters. In this capacity, the mission of the Planning Commission is to articulate the Community's values and commitment to socially and environmentally responsible uses of its resources as reflected in the Comprehensive Plan.

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**Public Hearing Procedure**

1. Staff Report
2. Correspondence
3. Applicant's presentation
4. Public testimony from others in support of application
5. Comments or questions from interested persons who are neither proponents nor opponents
6. Public testimony from those in opposition to the application
7. Questions from the Planning Commission
8. Rebuttal testimony from Applicant
9. Closing of public hearing
10. Commission discussion/action

The Planning Commission's decision on these matters may be subject to further review or be appealed to the City Council. For further information, contact the Milwaukie Community Development Department office at 652-4410.

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**Milwaukie Planning Commissioners:**

Patricia Lent, Chair  
Carolyn Tomei, Vice-Chair  
John Littlehales  
Don Trotter  
Gordon Jones  
Bill Johnson  
Scott McClure

**Community Development Department Staff:**

Maggie Collins, Community Development Director  
Debbie Bischoff, Senior Transportation Planner  
Dave Krogh, AICP, Associate Planner  
Jim Crumley, Associate Planner  
Jeanne Garst, Office Assistant  
Marcia Hamley, Office Assistant  
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CITY OF MILWAUKIE  
COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT

Date: July 14, 1993  
File No.: CSC-94-01, S-94-01,  
NR-94-02 & VR-94-03

Application: Plan Review in CSC Zone, 5-Lot Subdivision,  
Natural Resource Review and Access Variance

Applicant: R.C.M. Construction Co., Inc.

Property Owner: Doug Boyd and Bill Underwood

Location: SE end of Milwaukie Marketplace Shopping Center at  
SE 37th Ave. (Tax Map 1 1E 36AC; Tax Lot 12500)

\*\*\*\*\*

PROPOSAL

The Applicant is requesting the ability to construct three detached dental office buildings on the remainder of the unbuilt portion of the Milwaukie Marketplace Shopping Center site fronting SE 37th Avenue. In addition, the Applicant wants to divide this property into 5 lots, providing access via easement (access variance) for 3 of the lots, and provide an NR review for portions of 3 of the lots which front the wetland water feature along portions of the Hwy. 224 frontage.

BACKGROUND/DISCUSSION

On January 26, 1993, the Planning Commission held a public hearing on a proposal to construct a single dental office building on this site (PR-92-01). That proposal was approved but not followed through on. The current owners desire to modify the original proposal (from PR-92-01) so that 3 separate structures are built on 3 separate lots, with two additional lots being created for future expansion. Since these lots are being accessed by private shopping center streets, an access variance is requested to the provision that all new lots have public street frontage (Section 17.28.050.B. of the City Subdivision Ordinance). Refer to Exhibits 1 and 2 for a site plan and site list.

When Milwaukie Marketplace received its initial plan review in 1987, wetland/water features onsite were protected or enhanced as part of landscape designing. Actual protected wetlands were provided east of SE 37th on 4 acres of mitigation area. When the City initiated a natural resources inventory and review process in 1988-89 as part of the Periodic Review process, the Milwaukie Marketplace onsite water features were not included. At the time PR-92-01 was

reviewed (on January 26, 1993), the Planning Commission indicated a desire to staff that Milwaukie Marketplace water features be added to the NR inventory. Because of other project priorities, staff was not able to follow through with this request. However, part of that request will be accommodated by the current NR review as filed by this Applicant (NR-94-02).

These four applications are being reviewed concurrently. However, each application will receive an analysis and its own separate findings section as follows.

#### FINDINGS FOR CSC-94-01

1. This proposal is to allow construction of 3 separate dental office buildings on 112,527 square feet of undeveloped area located at the southeast corner of the Milwaukie Marketplace shopping center site.
2. This site is zoned Community Shopping Commercial (C-CS). The C-CS Zone requires construction to proceed through a developmental review process as per Section 315.3 of the City Zoning Ordinance. The required review is by the Planning Commission using the procedures of Section 1011.3, Minor Quasi-Judicial Review.
3. Review application requirements are listed in Section 315.3A. This section requires detailed plans be submitted that show:
  - a. Site development plans
  - b. Landscaping plan
  - c. Preliminary architectural plans including elevations
  - d. Phasing plan (if proposed)
  - e. Traffic information
  - f. Utility information

The Applicant has provided several exhibits which reference the above required information. These are as follows:

- Site location-Exhibit 1
- Site plan-Exhibit 1
- Narrative-Exhibit 2
- Elevation drawings-Exhibit 11
- Landscape plan-Exhibit 3
- Traffic discussion-Exhibit 4
- Wetlands discussion-Exhibit 10

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4. Approval criteria are those of Section 315.4A.-E. These will be addressed in separate findings.
5. Section 315.4A. requires compliance with application requirements of Section 315.3A. This has been addressed by Finding 3.
6. Section 315.4B. requires the scale requirements of Section 315.2 be met. Section 315.2 requires the minimum overall size of the shopping center to be 200,000 square feet. If phased, phasing must be completed in 3 years.

The C-CS Zone was created in 1986 exclusively for the purpose of providing development guidance for the Milwaukie Marketplace proposal. The 200,000 square foot size minimum was arbitrarily established. Compensation for marketing difficulties cannot be predicted for a development code. The 200,000 square foot minimum figure for the overall shopping center has not been met because of difficulties the property owners experienced in marketing the site for a 40,000 square foot furniture store. Economic difficulties have also caused two major tenants to leave. The Planning Commission and staff felt the property owners generally complied with the intent of Section 315.2 as part of the 1993 review of PR-92-01 due to their continuing marketing efforts. Staff feels this situation is still in effect today.

With 191,111 existing square feet of floor space within the shopping center today (according to the Applicant's figures on Page 2 of Exhibit 2), and adding the 7140 square feet in the 3 buildings here proposed, the result is 198,251. Since the Applicant is also proposing 5 lots, 2 of which would be held in reserve for additional development, the 200,000 square foot requirement would ultimately be reached.

7. Section 315.4C. requires the use requirements of Section 315.1 be met.

Section 315.1 identifies allowable uses for the C-CS Zone. Of these, Section 315.1B.6 allows "offices, clinics, or trade schools, provided no more than 15% of the total floor space of the center is devoted to such uses."

The Applicant's narrative (Page 2 of Exhibit 2) indicates that the only other clinic/office uses to that now proposed are Gentle Dental and Oregon Eye Care (8,494 square feet). This proposal will bring the total clinic/office square footage to 15,634, which would be 7.9%, well below the 15% area allowed for such uses.

8. Section 315.4D. requires the development standards of Section 315.5 be met.

Development standards for this proposal are addressed as follows:

- a. Setbacks: Structural setbacks (from Exhibit 1) are (from the Hwy. 224 right-of-way) 52 feet for Lot A, 48 feet for Lot B and 35 feet for Lot C. This exceeds the 30 foot minimum setback as per Section 315.5A.1. Since Lots D and E are to be reserved for future building, a review at that time will insure the 20 foot setback from SE 37th Avenue will be required as per Section 315.5A.3.
- b. Building height: Three stories or 45 feet, whichever is less, is the allowed maximum. The proposed dental buildings will be one story in height, below the allowed maximum.
- c. Access: Access for Lots A, B, and C will all be by easement off of the shopping center's internal circulation road which accesses SE 37th Avenue. Since this internal circulation road is private, an access variance is required for the creation of Lots A, B, and C according to Section 17.28.050.B. of the City Subdivision Ordinance. Lots D and E have the potential for accessing either the shopping center internal circulation road or directly onto SE 37th. For continuity in design, city staff prefer no additional curb cuts be provided onto SE 37th.
- d. Landscaping: 20% of the net site area is to be landscaped including all setback areas. An irrigation system is also required. (Note: this is not an area where berming is required due to the existence of the wetland reserve area along the Hwy. 224 frontage.)

The average landscaping coverage proposed is a total of 36% for Lots A, B, and C. A landscaping plan has been provided (Exhibit 3) which shows both a mixture of traditional northwest landscaping varieties and wetland enhancement species. This plan also includes irrigation and is acceptable to staff.

- e. Utilities: Undergrounding of utilities is required and has already happened with previous construction at Milwaukie Marketplace. This development would tie into those existing facilities.
- f. Transit: Milwaukie Marketplace is not currently served by Tri-Met. Transit access provisions have, however, been considered in the original design of the internal circulation roads in 1987. No additional transit mechanisms are necessary for the development of this site.

- g. Public Facilities: All streets and utilities are installed to this site as part of the original shopping center development.
- h. Parking: A total of 90 parking spaces are proposed, broken down as follows:
  - 27 existing spaces (shared parking with McGrath's)
  - 3 handicapped spaces
  - 60 regular spaces

Section 500 of the Zoning Ordinance requires one parking space per 275 square feet of gross floor area for medical and dental clinics. For this 7140 square feet of new floor area 26 parking spaces are required. Therefore this proposal greatly exceeds the normal requirement. However, the existing 27 spaces are part of the shared parking concept in effect for the overall shopping center. Those 27 spaces, although they are located on proposed Lot A, are used by and required for McGrath's Restaurant, on the adjacent pad to the northwest. The 26 required spaces for the 3 proposed dental buildings must be over and above the 27 already existing. Additional parking proposed above these 56 spaces would become shared parking as well.

New parking proposed meets design standards except for spaces 79-90, which are shown in a "back-out" configuration onto the internal circulation road near its outlet at SE 37th. Back-out spaces so close to the SE 37th outlet are undesirable from a safety and a circulation standpoint. Staff would prefer spaces 79-90 not be provided at this time and that additional parking considerations be made at the time Lots D and E are proposed for development.

- i. Design Standards:
  - (1) No roof mounted equipment is proposed, therefore, roof screening is not an issue.
  - (2) Since most deliveries for these facilities will be small in nature, no separate loading or delivery facilities are proposed. Deliveries will be made primarily by car or van and will come in through the front doors so as to be received by reception staff.
  - (3) Section 315.5I.3 pertains to the connected portion of the central shopping center building and not to the separate pad sites. This section requires 80% of the store space to include covered pedestrian access. This is not applicable in this case.

- (4) Trash storage is to be screened from public view. Full enclosure areas will be provided for trash storage.

9. Section 315.4E requires the site plan and building orientation and design to address the following:

- a. Create an aesthetically pleasing development by the use of quality materials and the arrangement of buildings, landscaping, and parking.

Since these are separate sites from the main shopping center location, the intent of the Applicant is to design three buildings which will complement each other through use of similar materials and design. Since these structures are separate from the shopping center complex, the design for these structures will be different from that of the main complex, but complementary in nature. All three structures will make use of wood and brick siding, hip roof design, and roof tiles, which are common and contemporary northwest styles. By nature and location, these dental facilities are apart and different from most uses of the shopping center (service versus retail) and this proposal reflects this uniqueness.

The designs in question tend to provide a compatible contrast to main shopping center structures and are oriented so that customers will be able to enjoy views of the wetland reserve.

- b. Relate functionally to the site, surroundings, and internally.

This is the last undeveloped area on the Milwaukie Marketplace site. As such, the Applicants are limited in orientation and access. They have chosen to follow the precedents of other pad developments (such as McGrath's and Shari's), utilizing the internal circulation roads for access and enhancing the wetlands reserve areas. In addition, shared parking with other shopping center users is being provided.

- c. Be designed to maximize safety and convenience, for the motorist and pedestrian.

Primary parking for these facilities will be separated from the majority of the shared shopping center parking and close to the dental offices in question. The City Senior Transportation Planner has requested pedestrian walkway connection for these facilities to SE 37th. This can be provided by eliminating proposed parking spaces 79-90 and adding a sidewalk which could be extended (with minor landscaping loss) along the circulation road all the way to the

parking area just north of the building on Lot A. In addition, a 2 bike-space rack per structure will also be required in compliance with the new Section 1400 of the Zoning Ordinance.

- d. Be designed to consider crime prevention techniques.

The location and design provide good visibility and access. Site lighting will also be provided to discourage crime.

- e. Signs shall be integrated into the design of the center.

One monument sign is proposed by the Applicant (Exhibit 12). This is a 3 foot high by 6 foot wide brick sign with raised lettering to be located at the site entrance off of the shopping center internal road (see site plan). This low brick sign will be low profile with other site signage but compatible with structures due to the brick construction. Sign permits will be required for this and additional signage proposed.

- 10. The Applicant has also provided traffic information. The use proposed (dental clinics) will generate less traffic than if the site were used for retail or service uses (see Exhibit 4).
- 11. This proposal is contingent upon approval of the 5-lot subdivision proposal (S-94-01) and the access variance (VR-94-03). The accompanying natural resource review is intended to assist in establishing a clear NR boundary for the site (NR-94-02).
- 12. The narrative and site plan indicate Lots D and E are intended for future development. This is not part of a phasing plan as no specific plans for Lots D and E are currently evident. A separate plan review will, therefore, be required for Lots D and E at the time they undergo a development proposal.

#### CONCLUSION/RECOMMENDATION FOR CSC-94-01

That CSC-94-01 be approved as per the preceding findings subject to the following conditions.

- 1. Development for Lots A, B and C shall follow that as shown on the exhibits except that minor modifications may be allowed by Community Development Department staff.
- 2. Approval is required for S-94-01 and VR-94-03 prior to the issuance of building permits for this site.

3. Prior to occupancy of any unit, the Applicant shall:
  - a. Apply for building permits and follow permit processes appropriately.
  - b. Complete all proposed landscaping and wetlands enhancement.
  - c. Complete all parking lot paving and striping.
  - d. Submit signage plans for sign permit review.
  - e. Comply with all utility requirements.
4. Site plans shall be modified subject to City staff approval to:
  - a. Eliminate parking spaces 79-90.
  - b. Add sidewalk from SE 37th along the frontage of the internal circulation road to the parking lot just north of the building in Lot A. This will also require modification of landscaping as shown in Exhibit 3.
  - c. Add one 2-bike rack per building.
  - d. Show site lighting in detail.
  - e. Show fire access and hydrants as per the Fire Marshal.
5. This approval shall be valid for a period of two years from the date of action. If construction has not occurred within that period, or a written request for time extension has not been received, then this approval shall expire.

**FINDINGS FOR S-94-01@@**

1. The Applicant is proposing a 5 lot subdivision on property zoned C-SC. This is the current site of the Milwaukie Marketplace shopping center. The proposal is intended to allow 3 separate ownerships to run dental offices from this location and also to allow additional sites to be designated for future development.
2. A separate access variance is also being considered (VR-94-03) because proposed Lots A, B, and C are proposed to utilize the existing private internal circulation road of the shopping center for access to either SE 37th or Oak. Proposed Lots D and E have direct frontage onto SE 37th, a public

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City street. (Note: Lots A, B, and C do front State Hwy. 224, however, this is a limited access freeway and individual lot access in this case would not be allowed.

3. Preliminary plat submission requirements are those of Section 3 of the Subdivision Ordinance. The preliminary plat (Exhibit 1) meets applicable standards as evidenced by the preliminary plat checklist which has been completed by staff and included within the file.
4. Design standards are those of Section 6 of the Subdivision Ordinance. These will be addressed as follows:
  - a. Section 6.02 deals with the creation of streets. This plat creates no new streets but utilizes existing facilities.
  - b. Section 6.03 is not applicable as no blocks are proposed.
  - c. Section 6.04 pertains to lot configuration and access. All lots have been reviewed following C-CS Zone standards and general subdivision lot configuration requirements. This subdivision is unique in that it is intended for purposes of commercial development. No zone/lot standards are in conflict.
  - d. Section 6.05 is not applicable as no open space dedications are proposed. However, by separate application (NR-94-02), a natural resource boundary will be established. This boundary will coincide with the wetland reserve area already adopted (although by site plan only) for the Milwaukie Marketplace site.
5. The City Office Engineer has provided comments regarding street and utility requirements (Exhibit 5). No new access onto SE 37th will be allowed by Public Works. Street and utility provisions are adequate for serving this site. Storm drainage and erosion control permits will be required.
6. Section 1303.3 (Solar Design Standards) of the City Zoning Ordinance is not applicable as it relates to residential subdivisions only.
7. S-94-03 requires review through a Minor Quasi-Judicial process as per Section 3.09 of the City Subdivision Ordinance. This section refers to the process described in Section 1011.3 of the City Zoning Ordinance. Public notice has been issued in accordance with the provisions of Section 1011.3.
8. The approval of S-94-03 is contingent upon the approval of CSC-94-01 and VR-94-03.

9. Property on the site has already been identified as a wetlands reserve and will be provided with an NR boundary as part of NR-94-02. This boundary must be identified on the final plat for this subdivision.

#### CONCLUSION/RECOMMENDATION FOR S-94-03

This application meets applicable subdivision standards as specified in the preceding findings and may receive preliminary approval provided conditions are attached as follows:

1. Lot configuration shall be as indicated on Exhibit 1 except that minor modifications may be allowed by Community Development staff.
2. Submittal of the final plat shall follow all requirements of Section 4 of the City Subdivision Ordinance. This submittal must occur within one year of this preliminary plat approval otherwise a re-submittal is required.
3. Utility and street improvements shall be as required by Public Works.
4. Compliance is required with site plan provisions of CSC-94-01 and VR-94-03 prior to the final plat being authorized for recording.
5. The final plat shall also show the following:
  - a. No access allowed onto SE 37th for Lots D and E.
  - b. Identify the NR boundary on the final plat.
  - c. Identify shared parking and access easements.

#### FINDINGS FOR VR-94-03

1. Section 17.28.050 of the Subdivision Ordinance requires new lots to front on a public street. Proposed lots A, B, and C front on limited access Hwy. 224 and must take access by easement via the private internal circulation road within the shopping center. Therefore, an access variance has been requested of the Applicant.
2. Variance criteria are those of Section 17.44.020 and are discussed in the following findings.

3. Section 17.44.020.A requires the Planning Commission determine:

That there are special conditions affecting the property that are not common to all property in that area.

This situation is unique in that it involves commercial shopping center property. It is typical for shopping centers to utilize private internal circulation roads and to provide easements for access to pad sites. This situation is not typical for residential, industrial or downtown commercial areas where smaller lots and street orientation is more normal.

Technically, these lots all front public streets or highways. However, Lots A, B, and C are not allowed direct access to Hwy. 224 because of its limited access status. Similarly, Public Works has indicated Lots D and E must utilize the internal circulation road system of the shopping center for access instead of a direct access onto SE 37th. Therefore, these lots are virtually mandated to obtain access by easements.

4. Section 17.44.020.B requires the Planning Commission determine:

That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner and extraordinary hardship would result from strict compliance with these regulations because of the special conditions affecting the property.

A similar proposal was heard by the Planning Commission in January of 1993 (PR-92-01). That proposal was for a larger, single building dental complex and was subsequently approved. This current proposal is different only in that multiple buildings/lots are proposed in place of a larger single building/lot. The use will be the same and access onto the internal circulation roadway of the shopping center will also be the same. Not being allowed to divide this property (when the C-CS Zone sets no minimum lot standards) or being allowed to utilize the shopping center roadways for access (which are already in place) may hinder potential future uses of this site. This portion of the shopping center site has been vacant since the shopping center was first constructed in 1988 and marketing has been difficult. Restricting this site as to access is already occurring via the limited access status of Hwy. 224 and restriction of access on SE 37th by Public Works.

5. Section 17.44.010.C requires the Planning Commission determine:

That the variance complies with the spirit and intent of these regulations and will not be injurious to other property in the vicinity or otherwise detrimental to the public health, safety, or welfare.

Other pre-existing lots within the shopping center complex are already taking access off of the internal circulation roads of the shopping center (McGrath's, Shari's, Taco Bell). This is the same situation as is now proposed. No adverse effects have been noted or anticipated by this proposal.

### CONCLUSION/RECOMMENDATION FOR VR-94-03

Staff recommends approval of VR-94-03 based on the previous findings and subject to the following conditions:

1. This variance allows Lots A, B, and C to obtain access by easement via the internal circulation roads of the shopping center. This is because of the limited access status of Hwy. 224 which these lots all front. Lots D and E will also utilize easements for access even though they front SE 37th. This is occurring at the insistence of Public Works staff in order to limit access points onto SE 37th at the Milwaukie Marketplace location.
2. This variance is contingent upon approval of CSC-94-01 and S-94-01 and will remain in effect concurrent with the timelines of CSC-94-01 (2-year time limit subject to renewal).
3. The final plat for S-94-01 shall reflect the access easement status for all lots.

### FINDINGS FOR NR-94-02

1. Milwaukie Marketplace has never had appropriate areas designated for the NR Overlay. This is because the shopping center developer (Hillman-Powell) obtained a joint Division of State Lands and Army Corps of Engineers permit to allow development of this site and the creation of a 4 acre wetlands mitigation site east of SE 37th. The developer, as part of drainage and landscaping designs, did retain a spring area in the northeast corner of the site and did develop a drainage way and pond along a portion of the Hwy. 224 frontage. These features were designated by the developer as "Wetlands Reserve". However, since these features were manmade and drainage/landscaping oriented, they were not designated as NR during the City's Periodic Review process of 1988-89. The Planning Commission has since indicated (at the time of review for PR-92-01) a desire that NR be applied to the Wetlands Reserve area.

2. The Applicant contends that the already identified Wetlands Reserve is the area that should be designated NR. Staff agrees and has been utilizing the Wetlands Reserve boundary for purposes of reviewing development proposals adjacent to the Wetlands Reserve since 1987. The Applicant has provided comments and a wetlands report to show that the locations and development proposed will not impact the Wetlands Reserve area (Exhibits 9 and 10 ).
3. Development standards for properties adjacent to natural resource areas are those of Section 322.7A. These are addressed as follows:

- a. Section 322.7A.1 states: Site preparation and construction practices shall be followed that prevent drainage of hazardous materials or erosion, pollution, or sedimentation to the adjacent natural resource location.

A City erosion control permit will be required prior to any site clearing or construction work. The site is flat and the Applicant tentatively proposes an erosion fence and hay bales to prevent erosion runoff into the Wetlands Reserve area.

- b. Section 322.7A.2 states: A development setback which adequately protects the resource site is required.

The Applicant hired a wetlands consultant to review placement of proposed buildings in relation to the Wetlands Reserve. In addition, the Applicant is proposing landscaping to enhance the edge of the Wetlands Reserve (Exhibits 9 and 3). The closest point of any building to the Wetlands Reserve edge is 10 feet with the average being 15-20 feet. This is consistent with the current locations of McGrath's and Shari's Restaurants. The use of the water features adjacent to those restaurants by water fowl, song birds, nutria and other animals has not been impacted by the adjacent development.

- c. Section 322.7A.3 states: Development consisting of vehicle maneuvering and parking areas, outside storage and display areas, and trash collection areas shall also be screened from the natural resource location by sight-obscuring vegetation or fencing.

Proposed parking areas are shielded by the buildings from the Wetlands Reserve. Trash collection sites are fully screened and enclosed by gates. Vegetative enhancements such as willow trees and shrubbery are also proposed. It should be noted, however, that one of the intents of locating the buildings adjacent to the Wetlands Reserve is to allow for passive viewing by staff and patrons.

- d. Section 322.7A.4 states: Outdoor activities including open fabrication or operations which create large amounts of noise, dust, or glare, except for river related and river-dependent uses, are not allowed due to their higher potential for adverse impacts on adjacent natural resource locations.

No outdoor uses are proposed in conjunction with these dental offices. By nature, this type of use is exclusively internal in operation.

- e. Section 322.7A.5 states: The types, sizes, and intensities of lights must be placed so that they do not shine directly into the natural resource locations.

The Applicant indicates no wetland fronting lighting will be installed. Outdoor lighting is proposed for the parking lot area and building fronts only. Separation from the parking lot lighting is present by virtue of distance and new vegetation plantings along the wetland edge. Two existing 30-35 foot light poles along the shopping center internal access road will be maintained. New light poles within the areas for dental parking will be reduced to 20 feet in height. Staff has requested a lighting plan as part of conditions proposed for CSC-94-01 to verify pole locations, type and lighting coverage.

#### CONCLUSION/RECOMMENDATION FOR NR-94-02

That NR-94-02 be approved based upon the previous findings and subject to the following conditions:

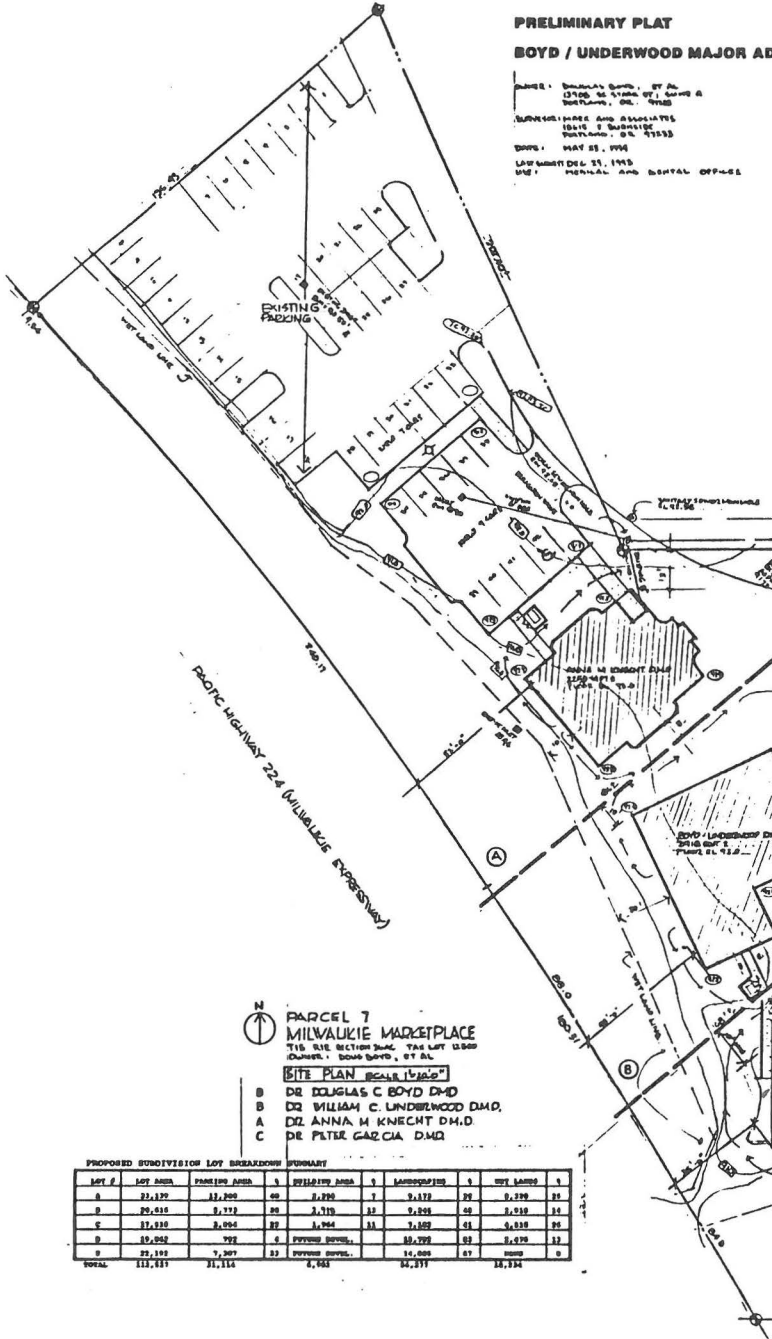
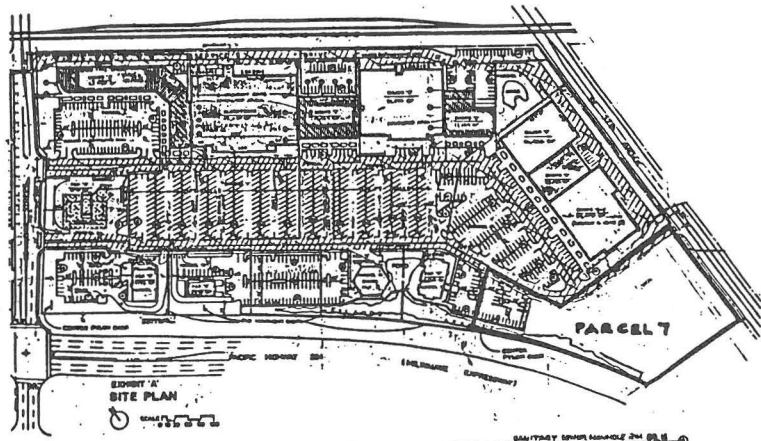
1. That an NR boundary be established following the Wetlands Reserve line shown on the site plan.
2. That the landscaping and vegetation enhancement proposal as shown on Exhibit 3 be completed prior to unit occupancy.
3. That a site lighting plan be provided prior to issuance of construction permits.
4. That the final plat for S-94-01 include the location of the natural resource (Wetlands Reserve) area.

EXHIBITS

1. Site Plan/Preliminary Plat (Large Copies to PC Members)
2. Narrative for CSC-94-01
3. Landscaping Plan (Large Copies to PC Members)
4. Traffic Letter
5. City Engineer's Memos (2)
6. Fire Marshal's Memo
7. Subdivision Narrative (S-94-01)
8. Variance Narrative (VR-94-03)
9. NR Narrative (NR-94-02)
10. Wetlands Letter
11. Building Elevation and Floor Plans (Copies to PC only)
12. Sign Diagram

**PRELIMINARY PLAT**  
**BOYD / UNDERWOOD MAJOR ADDITION**

OWNER: Douglas C. Boyd, et al.  
 13700 W. 114th St., Suite 2  
 Overland Park, MO 66209  
 SURVEYOR AND REGISTRAR:  
 DALE E. BURKHARDT  
 10000 W. 114th St., Suite 200  
 Overland Park, MO 66209  
 DATE: MAY 22, 1994  
 LAWS: 1989 MO PLAT ACT  
 USE: RESIDENTIAL AND COMMERCIAL



**PARCEL 7**  
**MILWAUKIE MARKETPLACE**  
 THIS SECTION BEING THE LOT 1000  
 SHOWN IN BOYS DOWNS, ET AL.

- SITE PLAN SCALE: 1/4" = 1'-0"**
- B DR. DOUGLAS C. BOYD D.M.D.
  - D DR. WILLIAM C. UNDERWOOD D.M.D.
  - A DR. ANNA M. KNECHT D.M.D.
  - C DR. PETER GARCIA D.M.D.

LOT #	LOT AREA	PARKING AREA	SUMMARY
A	22,320	11,200	00 2,320 1 9,172 20 0,220 21
B	20,010	9,772	20 2,310 22 9,800 26 0,210 27
C	21,020	2,000	27 1,990 31 7,800 35 0,010 36
D	22,000	700	3 22,000 37 10,200 39 0,200 40
E	22,100	7,200	42 22,100 46 11,000 49 0,000 50
TOTAL	117,550	31,172	4,562 14,372 14,374

EXHIBIT # \_\_\_\_\_  
 DATE 12/12/94  
 SUBMITTED BY: Applicant  
 # OF PAGES 1  
 FILE # 94-011594-01

COMMUNITY SHOPPING CENTER REVIEW  
MILWAUKIE MARKETPLACE PROFESSIONAL OFFICES  
PARCEL 7  
ADDENDUM TO REVIEW APPLICATION

8401 NE Halsey, Suite 202  
Portland, Oregon 97220  
(503)257-9168

REQUEST

The site on which the proposed development sits is known currently as parcel #7 within the Milwaukie Marketplace shopping center. The lot is 112,527 square feet currently and we are proposing to subdivide the lot into 5 parcels (see Subdivision Plat Application submitted concurrently with this application). Parcel 7 is the last remaining parcel to be developed at Milwaukie Marketplace. The lot is currently broken down as follows:

- 52,693 sf - Usable site - this proposal
- 18,234 sf - Wetlands reserve
- 41,600 sf - Future development

The proposed subdivision will divide the lots as follows:

Lot #	Parking Area	%	Building Area	%	Landscape & Walks	%
A	13,388	40	2,258	7	9,173	25
B	5,773	28	2,918	14	9,245	14
C	3,854	22	1,964	11	7,182	26
D	792	4	Future		Future	
E	7,307	33	Future		Future	

We are proposing to construct three dental offices on the westerly portion of the lot while leaving the easterly portion - lots 4 & 5 - undeveloped at this time. The buildings will be of high quality construction with brick and wood exteriors.

The traffic impact based on our proposal for dental clinics is substantially lower than the original proposal for a retail outlet

EXHIBIT #	2
DATE	2/12/94
SUBMITTED BY:	Applicant
# OF PAGES	8
FILE #	ex-94-015-94-01

(see attached study by DKS Associates). Thus we will not require high visibility signage as does a retail outlet.

The current zoning (C-CS) calls for no more than 15% of floor space of offices, clinics, or trade schools in the shopping center. As of May 10, 1994 there was over 20,000 square feet available (see attached Tenant Profile Summary) towards this percentage. After completion of these buildings there will still be over 13,000 square feet still available.

Wetlands are addressed in the attached report prepared by Martin Schott, Ph.D.

#### CRITERIA FOR APPROVAL

The proposed development falls within the C-CS zone established for the Milwaukie Marketplace shopping center. We have designed the proposed development to fall within the criteria for this zone which are detailed as follows:

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

**A. It complies with the application requirements under section 315.3:**

Requirements 1-5 & 6 have been addressed within the plans submitted. A detailed traffic report is not included however a trip generation comparison was submitted with the previous review application submitted and a copy has been included herein. The trip comparison analysis indicates that the impact of our proposed development is less than that originally considered during the development of the marketplace.

**B. It meets the scale requirements of section 315.2:**

This criteria does not apply to our development as it was addressed in and pertains to the original shopping center review application.

**C. It meets the use requirements of section 315.1:**

Under 315.1.B.6 clinics are a permitted use provided no more than 15% of the total floor space of the center is devoted to such uses (including offices and trade schools). As of May 10, 1994 the center totaled 191,111 square feet, of which 8,494 feet was clinic space (Gentle Dental and Oregon Eye Care). There are no office or trade school users in the Marketplace. This proposal will bring the total area of the Marketplace to 198,087 sq ft and the clinic space to 15,470 sq ft, or 8.1%, still well below the 15% allowed.

A dental clinic is a very compatible use for a retail center. It

brings people to the site who may not otherwise come, familiarizes them with the retailing opportunities available, and does not contribute to the congestion of peak retailing periods.

**D. It meets the development standards of section 315.5:**

**A. Setbacks (minimum) from property line:**

	<u>Required</u>	<u>Provided</u>
1. Along Hwy 224:	30'	35' min
2. Along Oak St:	40'	N/A
3. Along 37th St:	20'	N/A
4. From other property lines:	5'	10' min

**B. Heights (maximum):**

**Three stories or 45 feet, whichever is less.**

All of the proposed structures are single story designs with peak heights as follows:

Knecht:	18'
Boyd/Underwood:	19'
Garcia:	18'

**C. Access:**

All proposed parking and drive areas will access into the existing traffic flow within the Marketplace. No curb cuts into 37th or Oak street are proposed.

**D. Landscaping:**

1. A minimum of 20% of the net site area shall be landscaped. Net site area is gross site area minus right-of-way (R-O-W) dedications.

For lots A, B, & C which are being developed at this time we are providing 36% (25,600 sf) of our net site area in high quality landscaping. These areas do not include the wetlands reserve, which will greatly enhance the landscape.

2. All setback areas to be landscaped.

All setbacks will be landscaped per the landscape plan submitted.

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.

Because of the wetlands water feature along Hwy 224, we are not proposing a berm in that area. We do not feel it would be consistent with the needs of the

wetlands, and it would preclude the building occupants from being able to see a very beautiful natural feature. Shari's and McGraths also did not build a berm, probably for similar reasons. A gently rolling contour into the wetlands would look and behave much more naturally than an artificial berm, especially considering that the opposite side is the fairly steep bank of the expressway.

In addition, the expressway is significantly higher than the level of the proposed parking lot. Therefore any berm would not have the desired effect of screening the parking areas from the expressway.

4. *An irrigation system shall be installed for the landscaped areas.*

A fully automatic sprinkler system will be installed at all landscape and lawn areas shown on our plan.

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.*

As is noted above we are not providing a berm along Hwy 224 which is the only street adjacent to our proposed development. The proposed plantings in this area - which abuts the wetland - are comprised of low growing shrubs and ground cover consistent with the natural flora within the wetland.

Within the landscape throughout the development we are proposing a variety of trees with minimum 2" caliper sizing. These trees will be approximately 8' tall when planted.

6. *"Landscaped" shall mean a combination of ground cover, shrubbery and trees installed to form a unified landscape.*

As can be seen on our plan we are providing a comprehensive landscape plan which incorporates all of the items listed above. In addition we have designed the plan to blend with and enhance the wetlands on the site.

7. *A bond or financial guarantee of performance will be required.*

A bond will be provided at the appropriate time.

#### **E. Utilities:**

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

All utilities will 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.*

Since this parcel is a small portion of the overall center, we will rely on facilities provided by Milwaukie Marketplace for transit services.

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

We have had initial discussions with City officials and have determined that all utilities are readily available in the street. We will provide all street improvements as requested by City officials, although we are not building along 37th Street at this time. Improvements to the internal access road, which serves this site, will be made in full accordance with the existing conditions and the needs of our site.

**H. Parking requirements of Section 500.**

Per section 501.3.D we are required to provide one space of off street parking per 275 square feet of gross floor area. The total gross floor area for the combined buildings is 7,140 which requires 26 parking spaces in total. Our proposal provides a total of 91 spaces of which 27 are already existing. To the best of our knowledge, all dimensional requirements have been met, as well as ADA requirements.

Based on the proposed occupancies there are no off-street loading requirements.

**I. Design Standards:**

1. *Roof-mounted mechanical equipment shall be screened from view.*

We will not be utilizing roof mounted mechanical equipment.

2. *Loading and delivery areas should be separated from parking and pedestrian areas.*

A dental office has no need for loading areas. All deliveries will be by automobile or small van. For

functional reasons, deliveries need to come in the entry doors of the clinics and be signed for by the receptionist at the front desk. For these reasons, delivery areas need to be integrated into the parking areas adjacent to the building entries.

3. *A minimum of 80% of the floor space shall be designed as 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.*

This provision was intended for and addressed within the construction of the shopping center. The proposed structures are free standing buildings similar to McGraths, McDonalds, and Sharis. As a result a pedestrian walkway would not be practical nor would it be aesthetically pleasing.

4. *Outdoor trash or delivery areas screened from the public's view.*

We are providing a full enclosure for the trash areas, as shown on our site plan.

*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.*

We have designed three buildings which will complement each other by using similar - yet not identical - materials and architectural style. All of the buildings will be full hip roof designs and will have a mixture of brick and wood siding. We feel that the grouping of offices will enhance the marketplace by adding contemporary northwest designs to an already contemporary complex. The use of brick ties the new buildings into the existing complex. As they are dental offices the design is more subdued in nature and will have much less signage than the other retail facilities in the marketplace. The buildings are arranged to maximize the view of the wetland on the property which we intend to enhance and compliment with a highly developed landscape plan.

Our site planning is similar to the restaurants existing in the Marketplace today. Our buildings front the expressway with the intended maximization of the wetland.

Parking lies adjacent to a accesses through the main thoroughfare within the complex.

2. *Relate functionally to the site, surroundings, and internally.*

As one of the last pads on the site we are conforming to the precedents and the accessways previously established at the site. All of our access will be from the existing drive within the marketplace and while we are adding three buildings we have only added two additional access points. Similar to Shari's and McGrath's we are maximizing the wetland frontage. Parking will be overly sufficient for both patient and staff parking and should not impact other parking areas. Unlike retail, dental office traffic flow is moderate and usually scattered evenly throughout the day. There will be little or none weekend and evening traffic flow. We are providing walks sufficient for adequate pedestrian access to each building.

3. *Be designed to maximize safety and convenience, for the motorist and pedestrian.*

Safety and convenience are maximized by isolating the parking for these buildings and maintaining a close proximity. Parking should be sufficient that patients and staff will not have to cross over the primary thoroughfare of the complex.

4. *Be designed to consider crime prevention techniques.*

Being next to the Milwaukie Expressway, this is an extremely visible site, and all areas will be seen from the expressway, the shopping center or both. Good visual access, coupled with good site lighting, should make this project very discouraging to crime.

5. *Signs shall be integrated into the design of the center.*

Signage will be very low key on this project, reflecting the professionalism of its occupants. The intent is only to guide people to the building that have arrived in the vicinity, not to attract people off the expressway. We are placing a monument sign at the main entrance identifying the name of the complex "Milwaukie Marketplace Professional Offices" and individual monument signs at each individual office identifying its occupant and address.

**MILWAUKIE MARKETPLACE  
 TENANT PROFILE SUMMARY  
 AS OF MAY 10, 1994**

<u>Building/Pad</u>	<u>Square Feet</u>
1	22,950
2	42,630
3	13,923
4	31,472
5	11,159
6	51,547
8	1,178
9	4,173
10	2,270
11	3,809
12	<u>6,000</u>
<b>Total:</b>	<b>191,111</b>

Square footage of office / clinics / trade schools:

Gentle Dental	2,774
Oregon Eye Care	<u>5,720</u>
<b>Total Leased:</b>	<b>8,494</b>
191,111 * 15% =	28,667
Less existing:	<u>(8,494)</u>
<b>Available Sq Ft:</b>	<b>20,173</b>
S.F. added this application:	<u>7,140</u>
Remaining avail s.f.:	<b>13,033</b>

EXHIBIT # 3  
 DATE 7/12/94  
 SUBMITTED BY: Appl. Cant  
 # OF PAGES 1  
 FILE # CSC-94-01 2-94101  
 MK-94-021  
 WK-94-03

LANDSCAPE PLANTINGS								
10 ea	AE	AZALEA,	EVEREST	2 gal	3 ea	PM	PHUS NUSO,	2 gal
3 ea	AG	AZALEA,	SLAMOUR	2 gal	4 ea	PMF	PIERS JAPONICA,	10'-30"
9 ea	ANG	AZALEA,	MIND CRIMSON	2 gal	4 ea	RAK	RHODODENDRON	24'-30"
5 ea	A90	AZALEA,	SHERWOOD OCHRID	2 gal	2 ea	RO	RHODODENDRA	2 gal
20 ea	AUN	AKTOSTAPHYLOS UVA URSI	KNAKINNICK	1 gal	10 ea	RU	RHODODENDRA	24'-30"
40 ea	IGI	ILEX LAENATA,	GREEN ISLAND HOLLY	15'-18"	18 ea	VD	VIBURNUM DAVIDI	3 gal
4 ea	TE	THUJA OCCIDENTALIS	SHERALD ASSOCIATIVE	5'-6"	4 ea	VTR	VIBURNUM TALE ROBINUM	3 gal

**IRRIGATION NOTES:**  
 ALL LANDSCAPE PLANTINGS & LAWNS SHALL BE IRRIGATED UTILIZING A FULLY AUTOMATIC UNDERGROUND IRRIGATION SYSTEM WITH CORE APPROVED BACKFLOW DEVICE.

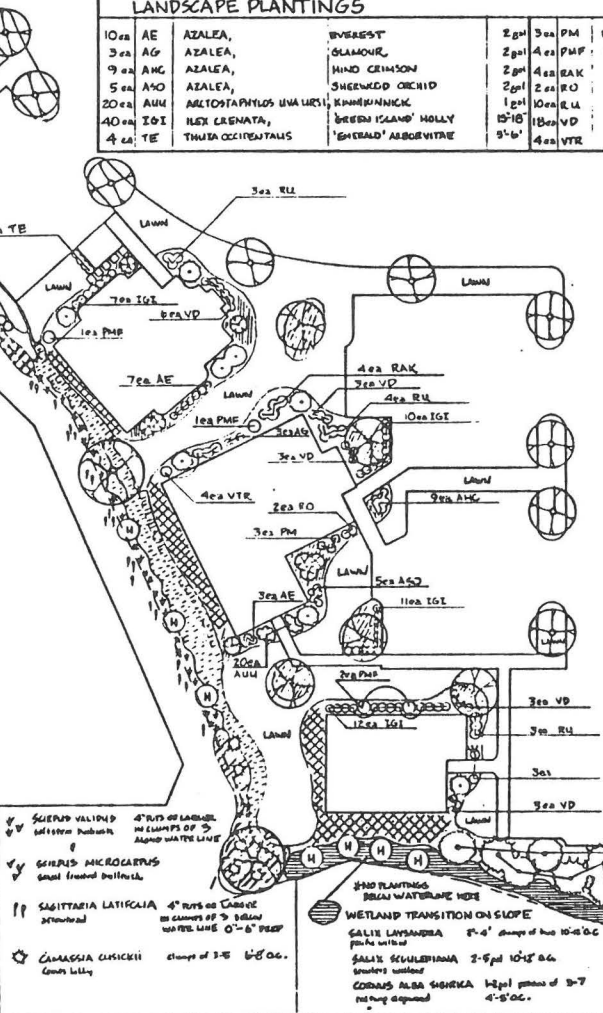
**EROSION CONTROL NOTES**

- INSTALL EROSION PREVENTION MINIMUM 6 FT ABOVE WATERLINE & EXHIBIT 4185 SHOWN SLOPES WHERE SLOPE IS GREATER THAN 6%.
- PREVENT GROUND WATER FLOW BY USING CONSTRUCTION BY TEMPORARY DRAINAGE AWAY FROM EXISTING WATERS.
- HYDROSEED SLOPES ALONG WATERLINE AS NOTED BELOW.

PARKING AREA BUFFER	
① BUFFER PLANTING BORDERING PARKING AREA	
RIBES SANQUINOSUM	2 gal 4'-5' oc.
RED TIGER LILY	
MANISIA ADIUKOUM	2 gal 4'-5' oc.
PRIZM GRASS	
POLYSTICHUM MINUTUM	1-2 gal 3'-4' oc.
WESTERN MAID FERN	
VIBURNUM BURWOODI	2 gal 4'-5' oc.
BURKWOOD VIBURNUM	
② WETLAND ENHANCEMENT PLANTING	
CORNUS ALBA SIBERICA	1-2 gal patches of 3-7
not hung dug out	4'-5' oc.
CORNUS STOLONIFERA	1-2 gal patches of 3-7
yellow long dug out	4'-5' oc.
ROSA NUTIANA	2 gal patches of 3
rosette rose	2'-3' oc.
③ SALIX FLUVIATILIS	5'-4' clumps of 5
COLUMBIA RIVER WILLOW	
④ SALIX LASIANDRA	3'-4' clumps of 2
PACIFIC WILLOW	

**WETLAND ENHANCEMENT**

- HYDROSEED W/ PACIFIC NORTHWEST WILDOYER MIX @ 700/ACRE supplied by SUNMARK SEED Portland, Or.
- HYDROSEED W/ D.O.T. GROUND COVER MIX 30% GRANULAR DUNE F. PEE GRASS @ 800/ACRE 20% CAPITAL CHERRY FESCUE 20% CLONDA FESCUE supplied by SUNMARK SEED Portland, Or.
- CAREX OSMUNDA 4' PDS OR CAREX IN CLUMPS OF 3-9 ALONG HIGH WATER LINE
- SCIRPUS VILLIDUS 4' PDS OR CAREX IN CLUMPS OF 3-9 ALONG WATER LINE
- SCIRPUS MICROCARPUS small fringed bottlebrush
- SAGITTARIA LATIFOLIA 4' PDS OR CAREX IN CLUMPS OF 3-9 BELOW WATER LINE 0'-6" DEEP
- CAMASSIA CUSICKII clump of 3-5 10'-8' oc.



**WINDOW UNDERSTORY PLANTINGS (FACING WATERFEATURES)**

VARIETIES:	WILLOWIA POLYPHYLLUS MIXED COLORS	1 gal plants
MIXED EVERGREEN	BUDROSHA NIETA	18'-24' oc.
LOW GROWING GRAMP	SCHEMATA NEURFLORA	
GRASSES & SACHS GRASS	COEPCIS GRANDIFLORA	
PERENNIALS	DOREUMICUM ENKANTICUM	
	AREDS SOMMERFELDUS	
	VORANCA TEGULUM	
	CURTANTHEMUM MAXIMUM	
	IRIS CRISTATA	
	IRIS CRISTATA 'HELLE'	
	IRIS CRISTATA 'MELICIA'	
	IRIS CRISTATA 'MELICIA'	
	IRIS CRISTATA 'MELICIA'	

NOTE: 10' W/ IN D.O.T. GRAMP GATE, 10' 12' oc.

**TREE PLANTINGS**

- SALIX BABYLONICA 'NUBB' 5'-4' cal specimen (one required in wetland transition)
- PIERIS 'CANTICLEER' 2' cal (one required to drive & parking islands)
- ACER PALMATHUM Japanese Maple (one required)
- CHALCOPHYTUS OSTREA Humea Fall Cypress (eight required)
- ACER CINCINATHUM Vine Maple (eight required)
- TAXUS PLICATA Western Red Cedar
- PIEDMONTALGA MENZIESII Douglas Fir
- CRATAEGUS DOUGLASH Oregon Hawthorne (seven required in wetland enhancement)

**GROUND COVERS & UNDERSTORY PLANTINGS**

- UNDERSTORY PLANTING: 4' PDS VILVA WILLOW 'WILLOW' 16' oc. Prunella (one)
- UNDERSTORY PLANTING: 4' PDS VILVA WILLOW 'WILLOW' 16' oc. Prunella (one)
- UNDERSTORY PLANTING: 1' PDS FOR THESE COMPERS: 25' oc. POLYSTICHUM MINUTUM western maid fern MANISIA ADIUKOUM 'BURNING' compact upright grass GALIUM VERBENA SHALLOW 16' oc. HELIOPSIS DILLICOLE yellow daisy

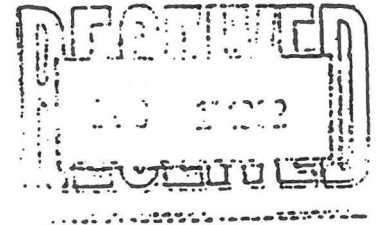
**MILWAUKIE MARKETPLACE**  
 LANDSCAPE DRAWING

SCALE: 1" = 20'  
 DRAWN BY: KDU/EA/MS  
 DATE: 7/11/94

**Waterite Irrigation**  
 a division of Garcon Grounds Management, Inc.  
 9700 NE Wilson St. Suite 210, Milwaukie, OR 97131 503-637-7172

# DKS Associates

921 S.W. Washington Street, Suite 101  
Portland, OR 97205-2834  
Phone (503) 243-1600  
Fax (503) 243-1733



November 25, 1992

Mr. Tom Moisan  
Ankrom Moisan Associated Architects  
6720 S.W. Macadam, Suite 100  
Portland, OR 97219

Subject: Milwaukie Marketplace Trip Generation Comparison

P92999x0

Dear Mr. Moisan:

This letter responds to your request for a trip generation comparison of alternative uses at the southeast corner of the Milwaukie Marketplace, near the intersection of Milwaukie Expressway and SE 37th Avenue. The original development proposal included 216,000 square feet (sf) of commercial development, with a 30,000 sf retail building in the southeast corner. The 1987 traffic study originally prepared for the entire site was used as the basis for comparing the trip generation consequences of the proposed change in use,<sup>1</sup> which is for an 8,500 sf dental clinic. However, whereas the formerly proposed 30,000 sf retail building would have used the entire available building area, the smaller dental clinic would not. Part of the parcel would remain available for development, although physical constraints would limit the amount that could be developed. Based on these constraints, two potential uses were identified for the remaining portion: 8,000 sf of office space, or a branch bank of approximately 7,000 sf. Thus two alternatives were evaluated and compared to the trip generation of the original proposal with 30,000 sf retail: 1) the 8,500 sf dental clinic with 8,000 sf office space, and 2) the dental clinic with a 7,000 sf bank.

## Original Retail Trip Generation

The original traffic study evaluated the trip generation for the center as a whole, as is appropriate for commercial centers, rather than separating out trip generation for the individual buildings. The trip generation rate for the entire center was 54.2 vehicle trips per 1,000 sf (KSF) per day, and 5.04 trips/KSF during the PM peak hour.<sup>2</sup> Applying this rate to 30,000 sf of retail yields 1,626 daily trips, including 151 trips in the PM peak hour (see Table 1, trip generation. below).

**Pass-by Trip Reduction.** The total trip generation rate was reduced in the original study by applying a reduction for pass-by trips, which are those made by drivers already on the roadway

<sup>1</sup> *Transportation Analysis of Minthorne Spring Community Center*, prepared for Hillman/Powell Company, by Associated Transportation Engineering & Planning, September 1987.

<sup>2</sup> *Ibid.*, p. 10.

EXHIBIT #	4
DATE	7/12/94
SUBMITTED BY:	Applicant
# OF PAGES	3
FILE #	CSL-94-0118-94

TOP OF NR-9402/VR-942

**Table 1  
Trip Generation**

<u>Land Use</u>	<u>Total Daily Rate/KSF<sup>2</sup></u>	<u>Total Daily Trips</u>	<u>PM Peak Hour Rate/KSF<sup>2</sup></u>	<u>PM Peak Hour Trips</u>	<u>Pass-by Trip Rate</u>	<u>Net<sup>1</sup> Daily Trips</u>	<u>Net<sup>1</sup> PM Peak Trips</u>
Retail (30 KSF)	54.2	1,626	5.04	151	40%	976	91
Dental Clinic (8.5 KSF)	34.17	290	4.08	35	N/A	290	35
Office (8.0 KSF)	26.0	208	3.63	29	N/A	208	29
Bank (7.0 KSF)	140.6	984	17.35	121	60%	394	48

<sup>1</sup> Computed by subtracting product of (pass-by factor \* total trips) from total trips.

<sup>2</sup> KSF = 1,000 square feet

adjacent to the site for another reason. Consideration of pass-by trips is important because pass-by traffic affects only the turning movements at site access driveways, and does not represent traffic added to surrounding roadways. A pass-by trip reduction factor of 40% was applied to the entire 216,000 sf center in the original study. This rate is substantiated by various sources.<sup>3</sup>

#### Trip Generation of Alternative Uses of Site

Trip generation rates from *Trip Generation, 5th Edition*,<sup>4</sup> a standard reference source, were used to estimate potential trip generation of the proposed 8,500 sf dental office building and the two alternatives for the rest of the site, a 7,000 sf bank and an 8,000 sf office building. The results, before allowing for pass-by trips, are shown in Table 1 above. The dental office would generate about 290 daily trips, with 35 in the PM peak hour. An office use with 8,000 sf would generate about 208 daily trips, with 29 in the peak hour. A 7,000 sf branch bank would generate some 984 daily trips, with 121 occurring in the peak hour. Table 1 compares the total and peak hour trip generation of the originally proposed retail use with the two new alternative uses, both before and after adjusting for pass-by trips. The pass-by trip adjustment is discussed below.

<sup>3</sup> Common references for pass-by trip reduction factors include *Transportation and Land Development*. Institute of Transportation Engineers, 1988, and *Trip Generation, 5th Edition*, Institute of Transportation Engineers, 1991.

<sup>4</sup> *Trip Generation, 5th Edition*, Institute of Transportation Engineers, 1991. Specifically, rates for the following categories were used: land use code 720: Medical/Dental office; land use code 710: General office building; and land use code 911: Walk-in bank.

**Pass-by Trip Considerations.** The dental clinic would be located in a commercial center which attracts considerable pass-by traffic. However, as a dental clinic it would operate on an appointment basis, and there would be no pass-by traffic. An office use also would not be expected to generate any pass-by traffic. Therefore no trip reduction is made for these two potential uses. A substantial portion of traffic generated by a bank would be pass-by traffic, due to the location within a commercial center. Many if not most trips would be in connection with shopping activity at the center. The Institute of Transportation Engineers' *Trip Generation, 5th Ed.* referenced above includes two studies of 150,000 sf commercial centers in the Portland area, where pass-by trips account for 65 percent or more of the total trips generated, and another study of five commercial centers in Point Georges County, Maryland ranging from 100,000 sf to 475,000 sf with an average pass-by rate of nearly 50 percent. Based on this information, a pass-by rate of 60 percent was considered reasonable for a bank at the center.

**Results/Conclusions**

The trip generation shown in Table 1 for the original 30,000 sf retail use was compared to the proposed dental clinic combined with either 8,000 sf of office or a 7,000 sf bank. The results are shown in Table 2. The combination of clinic plus office would generate nearly 500 fewer daily trips, including about 27 fewer PM peak hour trips, than the retail use previously analyzed in the original traffic study. A clinic plus bank combination would generate nearly 300 fewer daily trips and about 8 fewer PM peak hour trips compared to the retail analyzed previously. In summary, a combination of the proposed clinic with either a 7,000 sf bank or 8,000 sf

of office space would generate fewer trips than the retail analyzed in the original analysis. The conclusions of the original analysis would remain valid with either development option.

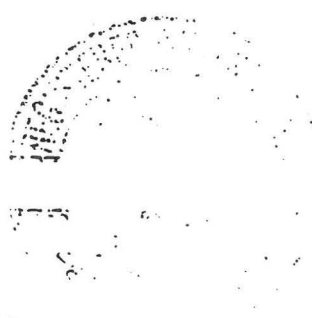
I trust this information is useful to you. If you have questions or comments, please call either of us. If the opportunity arises for us to assist you in the future, we would be happy to do so.

Sincerely,

DKS ASSOCIATES  
A Corporation



Peter Coffey, P.E.  
Transportation Engineer



Howard Roll  
Transportation Engineer

**Table 2**  
**Trip Generation Comparison**  
(Based on Net New<sup>1</sup> Trips)

	Daily <u>Trips</u>	PM Peak <u>Trips</u>
Original Net New <sup>1</sup> Trips	976	91
Clinic + Office	498	64
Increase/Decrease compared to retail	- 478	- 27
Clinic + Bank	684	83
Increase/Decrease) compared to retail	- 292	- 8

<sup>1</sup> After accounting for pass-by trips

MEMORANDUM

RECEIVED

JUN 13 1994

PLANNING

TO: COMMUNITY DEVELOPMENT

FROM: Paul Roeger *P.R.R.*  
Civil Engineer

RE: CSC-94-01, S-94-01, VR-94-03  
Milwaukie Market Place  
Site 7

DATE: June 6, 1994

This site has City sanitary sewer and water available along the north property line. Both are of adequate size and capacity to serve the proposed development. Additional System Development charges must be paid before a building permit will be issued. Public Works requires a full set of plumbing drawings in order to calculate the fees.

Access will be from the existing driveway through the Marketplace from 37th Avenue to Oak Street. Direct access to 37th Avenue will not be permitted. No right-of-way permits will be required.

Full on-site utility and drainage plans must be submitted to Public Works for review along with the building permit application. Permits are required to connect to all City facilities. All catch basins must be oil/water separator type. Clackamas County will issue permits for and inspect the on-site storm drainage.

An erosion control plan and application must be submitted along with the building permit application.

EXHIBIT #	<u>5</u>
DATE	<u>7/12/94</u>
SUBMITTED BY:	<u>Staff</u>
# OF PAGES	<u>2</u>
FILE #	<u>CSC-94-01 / S-94-01</u>

NR-94-02 / VR-94-03

RECEIVED

JUN 14 1994

PLANNING

MEMORANDUM

TO: COMMUNITY DEVELOPMENT

FROM: Paul Roeger *PR*  
Civil Engineer

RE: NR-94-02  
Milwaukie Market Place  
Site 7

DATE: June 6, 1994

This site has City sanitary sewer and water available along the north property line. Both are of adequate size and capacity to serve the proposed development. Additional System Development charges must be paid before a building permit will be issued. Public Works will need a full set of plumbing drawings in order to calculate the fees.

Access will be from the existing driveway through the Marketplace from 37th Avenue to Oak Street. Direct access from 37th Avenue will not be permitted. No right-of-way permits will be required.

Full on-site utility and drainage plans must be submitted to Public Works for review along with the building permit application. Permits are required to connect to all City facilities. All catch basins must be oil/water separator type.

An erosion control plan and application must be submitted along with the building permit application.

Public Works suggests the use of Weeping Willow trees is not advisable in this setting. Our experience with them indicates the roots are very aggressive. The roots have been known to go great distances to get into sanitary sewer and drainage lines and have clogged them to the point of total obstruction.

# SOUTH METRO FIRE PREVENTION OFFICE

"SERVING MILWAUKIE & CLACKAMAS COUNTY F.D. #1"

3200 S.E. Harrison  
Milwaukie, Oregon 97222

---

Business - 655-8537

FAX - 655-8880

Voice Mail - 655-8537

---

TO: Dave Krogh (Milwaukie Community Development)

FROM: Deputy Fire Marshal Ernie Badeau

SUBJECT: CSC-94-01 / S-94-01 / VR-94-03

DATE: June 8, 1994

---

After careful review the South Metro Fire Prevention Office wishes to report that the granting of this proposal to construct three dental offices, subdivide the property into 5 lots for the development, and to allow the variance to the arterial access requirements for new subdivisions is not in conflict with the U.F.C. (Uniform Fire Code) adopted by the City of Milwaukie. However, there are considerations that need to be addressed with regard to these proposals.

The first is the requirement that Fire Department access be maintained to all of the proposed structures. Additionally, the outside turning radius of the access shall not be less than 50 feet and the inside turning radius of the access shall not be more than 33 feet.

The second requirement is that prior to the issuance of a building permit, a utility site plan shall be provided for approval of access and fire hydrant locations. The site plan shall locate all existing fire hydrants and show distances to the proposed structures. Additionally, the site plan shall show fire department access to all sides of the proposed structures. All fire and life safety issues will be reviewed with the Building Official at the time of plans review.

Yours in Fire and Life Safety,



Ernie Badeau,  
Deputy Fire Marshal

EXHIBIT #	6
DATE	7/12/94
SUBMITTED BY:	Staff
# OF PAGES	1
FILE #	CSC-94-01/S-94-01

NR-94-02/VR-94-03

S-94-01

**R ♦ C ♦ M**

CONSTRUCTION ♦ DEVELOPMENT

8401 NE Halsey, Suite 202  
Portland, Oregon 97220  
(503)257-9168

**SUBDIVISION APPLICATION  
MILWAUKIE MARKETPLACE PROFESSIONAL OFFICES  
BOYD / UNDERWOOD MAJOR ADDITION**

PROPOSAL DESCRIPTION

The site in question is currently Parcel 7 within the Milwaukie Marketplace shopping center. The parcel is 112,527 square feet which we are proposing to subdivide into 5 lots of varying sizes. The purpose of the subdivision is to accommodate the proposed development of a medical office complex in which doctors and dentists will own their own buildings. This subdivision is consistent within other lots within the C-CS zone of the Milwaukie Marketplace which is comprised of 12 parcels (including our parcel 7) of varying sizes and uses. The medical clinic use is a permitted use within the C-CS zone.

APPROVAL CRITERIA

Section 3.01  
See preliminary plat.

Section 3.04  
See preliminary plat.

Section 3.05  
See preliminary plat

Section 3.07

1. See preliminary plat.
2. There are no new proposed deed restrictions. We propose to maintain the existing deed restrictions required by the Marketplace. A copy of the deed restrictions is attached.
3. Lots A, B, and C will be developed into dental offices as part of the initial work to be done on the site. It is our hope that we can start this work as soon as possible - July or August of this year and have it completed by year end 1994. As of the time of application there is no proposed development for lots D and E. It is the owner's intent to seek additional medical professionals to

**Subdivision Preliminary Plat  
Boyd / Underwood Major Addition  
T1S R1E Section 36AC (Supplemental) Tax Lot 12500  
Page 1**

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NIR 94.02 10R 94.02

occupy these sites. Accompanying this application are floor plans and elevations regarding the initial buildings to be constructed.

OTHER SPECIFIC REQUIREMENTS

1. The name, phone number, and address of your engineer or surveyor (if appropriate):

Marx and Associates Surveyors / Dale Marx  
18615 E. Burnside  
Portland, Oregon 97233  
(503) 667-5550

2. Number of lots proposed: 5 Approx acres: 2.5

3. Show how each lot complies with minimum zoning standards, as indicated below:

Minimum zoning standards for lots in the C-CS zone:

\*\*All dimensions in feet.

Area:	Width:	Depth:
Lot A measurements:		
Area: 33,139	Width: 240	Depth: 186
Lot B measurements:		
Area: 20,616	Width: 88	Depth: 186
Lot C measurements:		
Area: 17,518	Width: 152	Depth: 147
Lot D measurements:		
Area: 19,062	Width: 153	Depth: 153
Lot E measurements:		
Area: 22,192	Width: 152	Depth: 146

VR-44-03

R ♦ C ♦ M

CONSTRUCTION ♦ DEVELOPMENT

**SUBDIVISION VARIANCE  
MILWAUKIE MARKETPLACE PROFESSIONAL OFFICES  
PARCEL 7**

8401 NE Halsey, Suite 202  
Portland, Oregon 97220  
(503)257-9168

PROPOSAL DESCRIPTION

The parcel in question is parcel 7 within the Milwaukie Marketplace shopping center. We are proposing a variance to the arterial access requirement for new subdivisions. The subdivision application - being filed concurrently with this access variation - calls for the division of the existing 112,527 sf parcel into 5 lots. We are proposing a development comprised of medical and dental clinics. The subdivision as proposed calls for access through two access points into the main roadway running through the Marketplace. This layout is consistent with the existing development which is comprised of 12 parcels - including the proposed parcel - which access through three approaches, two on Oak street to the West and One on 37th avenue to the East.

CRITERIA FOR CONSIDERATION

There is no existing development on this parcel other than paved parking at the Westerly corner of he lot. The parking is being used by McGraths. All traffic from the Marketplace access through either 37th Avenue on the East or Oak Street on the West. We believe that our request for subdivision meets the criteria from subsection 702.1 parts A and B.

Since our subdivision is consistent with the other lots in the Marketplace we feel access through the main traffic flow within the shopping center natural. Because of its proximity within the center its condition is unique to other lots fronting 37th which are not a part of the shopping center.

By permitting access through the shopping center the other businesses will benefit from the customers which are being drawn by the medical practices. In turn those medical professionals which will construct offices at the site will enjoy the same benefits. The relationship is reciprocal and will neither unjustly enrich nor penalize the applicants.

**Subdivision variance  
Boyd / Underwood Major Addition  
T18 R1E Section 36AC (Supplemental) Tax Lot 12500  
Page 1**

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NR-44-02 / VR-44-03

NR-94-02

R ♦ C ♦ M

CONSTRUCTION ♦ DEVELOPMENT

**NATURAL RESOURCE REVIEW  
MILWAUKIE MARKETPLACE PROFESSIONAL OFFICES  
PARCEL 7**

8401 NE Halsey, Suite 202  
Portland, Oregon 97220  
(503)257-9168

DESCRIPTION OF PROPOSAL

The subject site - Parcel 7 - is located within the Milwaukie Marketplace and is zoned C-CS. It is our intent to develop a medical complex on the site, the first stage of which will be the construction of three dental offices on the western most portion of the parcel. After this phase of development is complete there will remain approximately 41,254 sf of land to be developed.

There is currently a pond located on the South side of the property and a Wetland (as determined by Martin Schott Ph.D.) along the Southeastern portion of the site. As these two areas have similar characteristics we will refer to them as wetlands however the pond is manmade and is definitely not a wetland. These two areas have been described by Martin Schott in the attached letter.

These areas are very attractive ponds and will be the focal points of the proposed buildings. We will be protecting and enhancing these areas with willows, dogwood, Oregon hawthorne, wildflower, fescue, rye plus additional plantings as noted on the attached landscape plan. Both of these areas are very important to this project. Our dental operatories look directly out onto these areas, and it is essential that they become beautiful and natural wetland features. We feel we are making every effort to ensure this will happen.

APPROVAL CRITERIA

322.7

*A.1. Site preparation and construction practices shall be followed that prevent drainage of hazardous materials or erosion, pollution, or sedimentation to the adjacent natural resource location.*

The proposed site work and construction will have no negative

**Natural Resource Review  
Milwaukie Marketplace Professional Offices  
T18 R1E (Supplemental) Tax Lot 12500  
Page 1**

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NR-94-02 / VR-94-03

impact on the natural resource areas. The site is flat thereby minimizing runoff into the pond and wetland areas. In addition we will be installing a continuous erosion fence between both areas and our construction and installing staked hay bales along slopes greater than 6%. We will hydroseed as noted on the landscape plan and slope any runoff away from the resource areas.

***A.2 A development setback which adequately protects the resource site is required.***

Prior to determining the positioning of the buildings on the site we consulted with Martin Schott, an ecologist and wetland specialist, to determine what would be acceptable distances for setback from the natural resource areas. As is mentioned above all of the dental operatories will be looking out over the wetlands and pond thus we want to place the buildings as close as possible without creating a negative impact on the area. The closest point of any building or site improvement is 10' with the average being between 15' and 20'. The buildings will be a very passive activity to the wetlands with no exits or pedestrian paths on that side.

***A.3 Development consisting of vehicle maneuvering and parking areas, outside storage and display areas, and trash collection areas shall also be screened from the natural resource location by sight-obscuring vegetation or fencing.***

Our parking areas will primarily be shielded by the buildings. We are only extending the West parking lot by approximately 20' and have maintained the existing setback. Other areas are shielded by willow trees and ground cover plantings. Trash collection areas are fully shielded with enclosures with gates. The pond as it exists is not shielded from Sharis or McGraths, and they, like us, utilize it for passive viewing by their patrons. For future maintenance and interest in this wetland, it is essential that it become a beautiful and visible area and that we continue a similar development to be compatible with the existing, established wetlands area. We do feel our enhancement plantings will be effective in providing an excellent environment for wildlife, including screening from activities of our buildings and the center as a whole.

***A.4 Outdoor activities including open fabrication or operations which create large amounts of noise, dust, or glare, except for river related and river-dependent uses, are not allowed due to their higher potential for adverse impacts on adjacent natural resource locations.***

As our proposed use for dental offices there are no outdoor

activities that would occur.

*A.5 The types, sizes, and intensities of lights must be placed so that they do not shine directly into the natural resource locations.*

We are not installing any outdoor lighting which fronts the wetland areas. The existing parking lot light fixtures are 30-35 foot tall pole mounted box type fixtures, two of which are existing on this site along the main road through the center. For continuity we will use these two fixtures, but neither will project appreciable light into the wetland area. For our parking area lighting we propose using a similar fixture but on a 20' pole. Because of the location of these new poles they will also not cast appreciable light into the wetlands area.



Martin Schott, Ph.D.  
Ecologist and Wetlands Specialist

152 SE 3<sup>rd</sup> Street • Canby, OR 97013 • (503)266-6946

May 11, 1994

Alex B. Jansen  
RCM Construction Company, Inc.  
8401 N.E. Halsey, Suite 202  
Portland, Oregon 97220

Re: Milwaukie Marketplace Parcel 7 - Wetlands

Dear Alex:

As you know I conducted first a wetland reconnaissance and later a wetland flagging on Parcel 7 of the Milwaukie Marketplace. Most of the parcel was filled back when the marketplace was first developed. The impacts to the wetlands that occurred when the marketplace was developed were permitted and mitigated. The permits and mitigation included the fill placed on Parcel 7. However, the buyers had me flag the remaining wetlands on the parcel to determine how much of the parcel was developable.

There is a man made pond on the south side of the site. The pond was developed as part of the landscaping for the marketplace. When the parcel was filled and the pond developed fill was place all the way to the pond edge. Part of the parcel has already been developed into a parking lot, which extends to within approximately 6 feet of the pond. When I flagged the wetlands I also flagged the edge of the pond. The pond was flagged to determine where its edge was, and not because it was a wetland. It is not a wetland. It is part of the landscaping.

The wetland located along the eastern edge of the property is located at the toe of the fill. It appears to be an overflow ditch for the man made pond. Again, any wetlands which were impacted by the fill have already been permitted and mitigated. Currently, the embankment is dominated by Himalayan blackberry, and other weedy species. Since the ditch is a man made drainage structure the permitting agencies allow maintenance activities, even though it has wetland characteristics.

I have reviewed the plans for the dental offices with regards to any wetland impacts. The proposed development will not impact any of the wetlands. In addition, Ken Bartus and I developed a planting plan for the area between the developed area and the pond and wetland. We designed the plantings between the buildings and the pond to be transitional between a landscaped area and a wetland mitigation area. Adjacent to the buildings it will have the appearance of a manicured landscaped area, which then blends into a more natural appearance closer to the pond.

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With the exception of two large weeping willows we used native flowers, shrubs and trees. This landscaping design will be consistent with the landscaping around the rest of the pond, but with a more natural appearance adjacent to the ponds edge.

Most of the landscaping along the eastern portion of the site was designed to improve the appearance of the edge of the fill area. Currently, this area is dominated by weedy species. Native trees and shrubs are proposed along the edge of the embankment (fill). Another consideration of the planting plan was to provide a view from the buildings onto an aesthetic natural area.

In summary, the proposed development would not impact any existing wetlands on Parcel 7 of the Milwaukie Marketplace. The pond is a landscaping feature, and not a wetland. The proposed landscaping in this area is consistent with the landscaping surrounding the rest of the pond, but with a more natural appearance. The wetland on the eastern side of the site consists of a ditch at the toe of a fill. The current vegetation on the embankment consists of weedy species. The proposed landscaping plans were designed to improve the appearance of the embankment, by having native trees and shrubs planted along its length. The plantings would allow view from the buildings, while providing better wildlife habitat in the natural area.

Please call if you have any questions.

Sincerely,

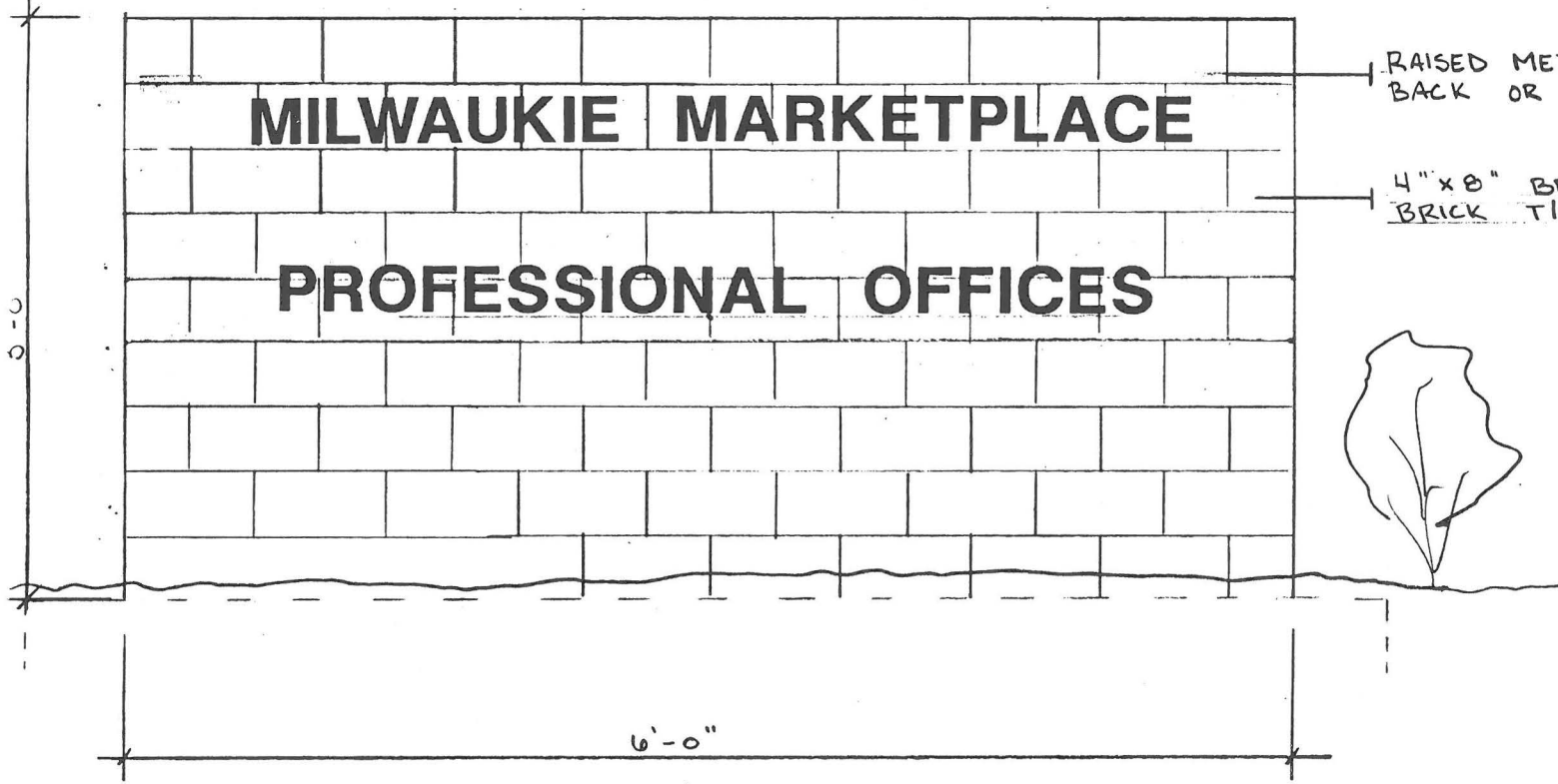
A handwritten signature in black ink, appearing to read 'Martin Schott', with a long horizontal line extending to the right.

Martin Schott, Ph.D.

PROPOSED MONUMENT SIGNAGE  
MARKETPLACE PROFESSIONAL OFFICES  
SCALE: 1" = 1'-0"

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MM-45-MN



RAISED METAL LETTERING  
BACK OR GROUND LIGHTED

4" x 8" BRICK MONUMENT  
BRICK T/B SIMILAR TO BLDG

