

MILWAUKIE PLANNING COMMISSION
PUBLIC HEARING
TUESDAY, June 27, 1989

COMMISSIONERS PRESENT

Chairman Littlehales
Angus Anderson
Betty Fulmore
Patricia Lent
John Muirhead
Carolyn Tomei
Don Trotter

STAFF PRESENT

William B. Adams, Community
Development Director
Dave Krogh,
Assistant Planner
Shirley Richardson,
Hearings Reporter

COMMISSIONERS ABSENT

None

1.0 CALL TO ORDER

Chairman Littlehales called the meeting to order at 6:35 p.m. He then welcomed the newest Commissioner, Carolyn Tomei. She will be filling the vacancy left by Gregg Newstrand, Jr., who resigned last meeting. Recognition was given to Gregg Newstrand for his years of service.

2.0 PROCEDURAL QUESTIONS

Chairman Littlehales explained the meeting format and the public hearing process. He then asked the audience if there were any questions. There were none.

3.0 CONSENT AGENDA

3.1 PLANNING COMMISSION MINUTES: June 13, 1989

John Muirhead moved to approve the Minutes of June 13, 1989, as presented. Betty Fulmore seconded. MOTION PASSED 3-0 with four abstentions. These members were not present at that meeting.

4.0 PUBLIC COMMENT - None.

5.0 PUBLIC HEARINGS

- 5.1 APPLICANT: Shurgard Institutional Fund
PROPERTY OWNER: Schnitzer Investment Corp.
LOCATION: N.E. corner of 37th Ave. and International Way
PROPOSAL: Conditional Use (CU-89-02) for a mini-storage facility

Dave Krogh reported that this Application is a Conditional Use request for a self-storage facility in an area zoned both General Commercial (CG) and Business-Industrial (BI). He then showed some slides of the proposed development site, indicating that the slides were from last year, but the purpose was to see the elevation and general layout of the land.

In a previous hearing, Schnitzer had requested to divide this lot into three parcels. The request was granted and at that time there was mention of a mini-storage facility. The splitting of this lot has resulted in one lot being in two zones. Staff has evaluated the findings presented by the applicant and feels it meets all criteria. Staff does recommend approval with five conditions as stated in the Staff Report.

Chairman Littlehales explained that in March, 1989, the decision by the Commission was that the parcel be divided into three sections; one not to exceed 2.1 acres, the second to be plus or minus 2 acres, and the third piece to be 1.645 acres. The expressed reason was to insure that each lot was to be in a separate zone. The Applicant is now proposing that one lot be 4.1 acres thus effecting two zones.

Dave Krogh indicated that the Condition reads that Lot One may be reconfigured into three lots. The subdivision final plat approval has not, as yet, been requested. Bill Adams indicated that typically the zoning boundary follows a lot line, however it is not required. We have adequate documentation of the existence of the zone boundary if the Applicant should consolidate the lots.

Don Trotter indicated that he felt that this was a very major change from what was decided in March, 1988.

Chairman Littlehales reported that the Public Notice sign was not posted on the property as required. Dave Krogh concurred that the sign was not picked up by the applicant. Applicants are informed of their sign posting responsibility in the information packet at the time of application.

APPLICANT'S PRESENTATION

Speaking: Fred VanDomelen, Consulting Engineer, 3933 S.W. Kelly,
Portland

Mr. VanDomelen indicated that they prepared the presentation to the City. He indicated that he was not aware of the Public Notice sign posting responsibility and would call and find out why this was not done. He stated that he felt the Staff Report covered the issues for the Conditional Use. A site plan was shown indicating the lot lines, the roadway improvement for Minthorne Way, and the proposed mini-storage and auto-service development locations.

Mr. VanDomelen also showed a rendering of the proposed mini-service facility. It is designed to be compatible with the commercial, residential and industrial areas surrounding it. He also showed samples of the different materials to be used in this facility. He stated that he was been familiar with this site for 15 years. It is difficult to meet the conditions and limitations of this area. He feels this use would be economically feasible for the community.

Speaking: Tim McGrath, Property Manager, Schnitzer Investment Corp.

Mr. McGrath indicated that they have had this site for 12 years. The City of Milwaukie requested that the development of this property would not impact the current traffic problems. He was very active last year with the community in working out a solution to alleviate some of the traffic concerns in the area. A new road was designed and the remaining property was to be divided into three parcels. On the City's advise, they proposed to replat these three parcels into two. One large parcel and a second lot for phase two of Shurgard's project. This second lot would be office/warehouse type space. Schnitzer has decided not to sell his property, but to build five labor-intensive buildings on his site. By building the road, they plan to put labor-intensive buildings on that roadway. He feels they have done all they can to meet the requirements for this development and they would like to get on with their plans.

Speaking: Ron Newhouse, Director of Construction, Shurgard

Mr. Newhouse reported that he is very committed to this project. They have taken a great deal of time investigating this market and feel that Milwaukie is in need of this service. They do an up-scale, very expensive building. As indicated in the rendering, they are presenting a very compatible design. The issue of the lot line was surprising to him. He thought that last year's hearing settled the issue for the BI Zone and he was here tonight to get approval on the CG Zone. Since mini-storage is a use under the CG Zone, he didn't feel that this would be a problem.

This is a very expensive lot to work with. They have put a lot of money in earth-work. They have worked hard to develop this project, to make it look nice. They worked hard on the site plan and layout to get buildings with light loads in the lower areas. It would be difficult to change the configuration to accommodate the lot line.

Recess at 7:23 and reconvened at 7:38.

QUESTIONS FROM COMMISSIONERS OF APPLICANT

Chairman Littlehales asked Mr. VanDomelen if he had made his call and had any additional information on the Public Notice sign posting. Mr. VanDomelen reported that he did call and his office had no understanding that this action was required.

Don Trotter asked where the lot lines and zoning boundaries were on the preliminary plat. He also asked that if the lot lines remained as previously proposed, what impact it would have on the project. Mr. VanDomelen pointed out the lot lines. He indicated that through his experiences as a consultant, having two zones on one lot was not a problem, particularly when both lots had the same owner.

Don Trotter asked Staff if they were listening to two Conditional Uses, one on the BI Zone and one on the CG Zone. Dave Krogh stated that the proposal was different from the one last year and a separate Conditional Use had to be considered for the CG portion. The BI Zone was not in effect at the time the Schnitzer proposal was submitted. There was no zone in the City of Milwaukie that listed mini-warehousing/self-storage as an accepted use. After discussion with the City Attorney, it was felt that this usage would be a conditional use in the CG Zone, because it was similar and compatible with other CG uses.

Don Trotter expressed concern about the validity of this Conditional Use in the CG Zone. The Conditional Use for CG, in Section 3.12.II reads, "...any use similar to the above, which includes contractor storage yard and not listed elsewhere." Now that the BI Zone is in effect, mini-storage is listed under the BI Zone. There is no discussion in the Staff Report as to why the mini-storage in the CG Zone is applicable, because it is now listed elsewhere as a specific use.

Don Trotter asked the Applicant to explain why the fencing was on the street side of the landscaping? Mr. VanDomelen stated that he saw no problem with moving the fencing to the other side of the landscaping. This would serve as a buffer and screen the fencing at the same time.

Don Trotter asked how the water would be contained and if this decision had be approved by Public Works. Mr. VanDomelen indicated that there would be catch basins installed that would control the overflow of the water. They have complied with all City design requirements.

Bill Adams indicated that the City typically requires surface storm drain retention. In this case, there is a major storm drain in the area that they will connect to.

Don Trotter asked the Applicant to expand on the employment-intensive portion of the BI Zone for the mini-storage and other phasing proposed. Mr. VanDomelen stated that the plans for the adjoining development has three heavy office-use buildings and two office warehouse buildings. Mr. Newhouse indicated that they anticipated July/August for building the road. The sites for the first three buildings are being surcharged right now. They expect construction on the buildings to start in August/September.

Pat Lent asked the Applicant what the employees per square foot would be with the proposed Shurgard office complex. Mr. VanDomelen stated that he would calculate that out and get it back to her before the end of the hearing.

Chairman Littlehales asked the Applicant if the surface ponding would be a problem. Mr. VanDomelen stated that the rainfall design criteria and retention requirements have all been satisfied.

Chairman Littlehales asked about the screening of the storage doors on the International Way side. Mr. Newhouse indicated that there are not a bunch of driveways

merging to the street, as typically seen with mini-storage. They have designed a perimeter building to minimize the number of doors and driveways on the exterior side.

TESTIMONY IN FAVOR OF APPLICATION -- None.

QUESTIONS OR COMMENTS ON APPLICATION

Speaking: Darlene Weil, Project Manager, PS Business Park, 4040 S.E. International Way, Milwaukie

Ms. Weil indicated that she felt that the slides shown tonight were not appropriate for this hearing. They were out-of-date and did not show the current property site. Dave Krogh indicated that normally they do provide updated slides, but as he explained they were only intended to show the layout of the land.

Ms. Weil also questioned why the Staff Report made no mention of a mini-storage use in the same area as the one proposed. Bill Adams indicated that was not relevant, they were only providing information on properties immediately adjacent to the proposed site.

Ms. Weil indicated that the Applicant had not posted his public notice sign and since this is a requirement of the City, this should be provided.

Ms. Weil stated that she was pleased to see the maps have been updated. Proposed International Way has been chalked out and initialed officially and the proposed road has been named Minthorne Way. She asked how much of the funding for the road was provided by Schnitzer. Staff indicated that the criteria used to evaluate the application does not include the amount of funding required by the Applicant.

TESTIMONY IN OPPOSITION OF APPLICATION -- None.

APPLICANT'S CLOSING COMMENTS

Speaking: Ron Newhouse,

The labor force, based on the square footage of the second phase, would be in the 80-90 range. The first phase, the mini-storage portion, would employ only 4 people. There is 25,000 sq. feet in the development and this would generate about 11-14 employees/acre.

Mr. Newhouse stated that he previously provided the Commission with a report which calculated the need for mini-storage facilities in this area.

Mr. Newhouse felt they had already gotten approval for the mini-storage. He is unsure what the concern was. If the labor force is the question, the rest of the development will be labor-intensive. To mitigate some of the concerns about establishing jobs and complying with commercial use, they would be open to a separate proposal. 37th Avenue will be a retail corridor and much of the traffic off the Milwaukie Expressway will use this as a means to access the Hillman Development. They are willing to convert all of the mini-storage on 37th to retail storefronts. This will result in traffic exposure to all retail on 37th.

DELIBERATIONS AMONG THE COMMISSIONERS

There was discussion among the Commissioners about the intent of the conditions for approval at the previous meeting on this proposal and how it affected the issues tonight. There are three main areas of concern.

One, the zoning ordinances were not addressed on the BI Zone with regard to the labor intensive issue. There should be more information on this aspect. Also, what is the actual and proposed lot lines and zoning for the lots. The Uniform Fire Code and Building Code comes into play when you have construction on property lines.

Two, the Applicant thought that the previous application for the BI Zone was valid. There is a question whether mini-storage is a use in the CG Zone. The Staff Report indicated that there were to be two hearings tonight, one for the BI Zone and one for the CG Zone. There is a misunderstanding of the purpose of the hearing.

Three, is the public notice issue. This is an area of the city that is extremely neighborhood sensitive. They have undergone tremendous change and are very concerned about any development proposed in this area. These people find out about changes by the signage, not by written notification. Angus Anderson asked about the legality of making a decision when the Public Notice sign had not been posted. Bill Adams reported that the lack of posted notice does not prejudice in any way the decision of the Commission.

It was felt that basically there needs to be more information before a decision can be made.

Bill Adams indicated that this hearing was for two Conditional Uses, one for the BI Zone which was not the subject of a previous hearing and one for the CG Zone, which was previously heard and approved with the zone change. Since there was major change to the CG Conditional Use by the Applicant, Staff felt it should be reconsidered by the Planning Commission.

Don Trotter moved to continue this Hearing for two weeks to give the Applicant and Staff the opportunity to address the following issues.

The impact of the lot line and zoning line bisecting one property owner.

The impact of the CG Conditional Use. Is it a reconsideration or a new hearing. If it is a new hearing, do we have to consider the last item under conditional uses which states, "...similar uses unless listed otherwise," mini-storage now being listed as BI Zone.

Under the BI Zone, a discussion as to a total site that Shurgard is planning to develop, elaborating on information he presented in the public hearing, his rebuttal testimony on employment figures.

Responding to the question of storm drainage as part of the Conditional Use process or a Staff function at building permit stage.

Can failure to post the public hearing notice sign on site affect Planning Commission action for this proposal?

Pat Lent seconded.

Betty Fulmore indicated that Mr. Newhouse made a proposal to allow for more retail space along 37th. She would like information on that proposal.

Chairman Littlehales indicated that he couldn't support the motion for continuance. He feels that we have the information to make a decision. He feels that employment is not an issue, drainage needs to be dealt with by Public Works, and by leaving the property line where proposed and having two zones on one property is not something wanted, but it also does not incur any problems. The Public notice sign is the only issue he would be concerned about.

MOTION CARRIED 6-1.

Recess taken at 9:15 and reconvened at 9:35.

- 5.2 APPLICANT: City of Milwaukie (Legislative Hearing)
LOCATION: Various properties located along McLoughlin Blvd
PROPOSAL: McLoughlin Corridor Overlay Zone (to be added to Zoning Ordinance)

Dave Krogh reported that this proposed draft was the result of comments and corrections made from the last worksession. Most of the modifications were made on the Nonconforming Use Section.

Carolyn Tomei asked if a McDonald Restaurant would be allowed under this Ordinance. Dave Krogh indicated that an eating establishment with a drive thru would be allowed as long as it did not access on McLoughlin Blvd.

Bill Adams indicated that he had talked to Glen Smith regarding the Ship to Shore Restaurant. He is planning to turn the restaurant into a second-hand store. Under this new Ordinance, this type of use would be permitted.

Kim Miller, of Kim Miller for Hair, was at the meeting but left before this hearing. She had commented to Don Trotter that she liked the Ordinance and wanted to know how soon it could be implemented.

Barbara Jacobsen, Caffall Bros, was here and left before the hearing. She was interested in the overlay zone. Bill Adams told her that her business was a nonconforming use now and under the new Ordinance would continue to be a nonconforming use.

The Commissioners discussed the proposed draft and the following changes were noted:

Page 1. Change wording on 3.B.(2) to read "Drive-thru facilities are prohibited."

Page 1. Move 3.B.(2) to 4.B.(6).

Page 2. Renumber 4.B.(6) to 4.B.(7).

Page 1. Delete 3.B.(1) and change 3.B to read, "In addition to the above, eating establishments shall also be permitted outright."

Page 4. Add language to the end of the first sentence of Number 7 to read, "...retained in open space, provided such height doesn't interfere with view corridors. Open space..."

Page 4. Change the language of 8.A. to include discussion tonight that, "All new development or improvements requiring a building permit shall be reviewed by a Type II Administrative Review as per Section 10.05(A), except for those properties where the Willamette Greenway Conditional Use is also required. "

Bill Adams indicated that he sent a copy of the draft Ordinance to the State for the input and comments. They have not responded as yet.

Angus Anderson moved to recommend to City Council adoption of the draft Ordinance of the McLoughlin Corridor Overlay Zone/MC as presented in the Draft Ordinance with the following changes:

3.B.1 be amended to read, "In addition, eating establishments shall also be permitted outright."

3.B.2 is deleted in its entirety.

4.B.(6) Prohibited Uses, to read "Drive-thru facilities are prohibited."

Renumber 4.B.(6) to 4.B.(7).

On Page 4, add language to the end of the first sentence of Number 7 to read, "...retained in open space, provided such height doesn't interfere with view corridors."

Page 4. Change the language of 8.A. to include discussion tonight that, "All new development or improvements requiring a building permit shall be reviewed by a Type II Administrative Review as per Section 10.05(B), except for those properties where the Willamette Greenway Conditional Use is also required. "

Pat Lent seconded. MOTION CARRIED 7-0.

Don Trotter reported that on Thursday evening there will be a Riverfront Committee Meeting. This proposed Ordinance will be on the agenda. He will be there to let them know of the changes made tonight and take any input from them.

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6.0 CONSIDERATION ITEMS -- None.

7.0 OLD BUSINESS

7.1 Review and Discussion of Planning Commission Workshop was postponed.


8.0 OTHER BUSINESS -- None.

9.0 NEXT MEETING - July 11, 1989

9.1 Shurgard Institution Fund Continuance, (CU-89-02)

9.2 MLP-89-03/VR-90-03

Pat Lent moved to adjourn the meeting of June 23, 1989.
Betty Fulmore seconded. MOTION PASSED UNANIMOUSLY 7-0.
Meeting adjourned at 10:55 p.m.



John Littlehales,
Chairman



Shirley Richardson,
Hearings Reporter

AGENDA
MILWAUKIE PLANNING COMMISSION
COUNCIL CHAMBERS, CITY HALL, 10722 S.E. MAIN STREET
TUESDAY, JUNE 27, 1989, AT 6:30 P.M.

ITEM **HEARING FORMAT**

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| <p>1.0 CALL TO ORDER</p> <p>2.0 PROCEDURAL QUESTIONS</p> <p>3.0 CONSENT AGENDA</p> <p>3.1 PLANNING COMMISSION MINUTES: June 13, 1989</p> <p>3.2 CITY COUNCIL MINUTES: June 6, 1989</p> <p>4.0 PUBLIC COMMENT - THIS IS AN OPPORTUNITY FOR THE PUBLIC TO COMMENT ON ANY ITEM NOT ON THE AGENDA</p> <p>5.0 PUBLIC HEARINGS</p> <p>5.1 APPLICANT: Shurgard Institutional Fund
PROPERTY OWNER: Schnitzer Investment Corp.
LOCATION: NE corner of 37th Ave. and International Way</p> <p>PROPOSAL: Conditional Use (CU-89-02) for a mini-storage facility</p> <p>5.2 APPLICANT: City of Milwaukie (Legislative Hearing)
LOCATION: Various properties located along McLoughlin Blvd.</p> <p>PROPOSAL: McLoughlin Corridor Overlay Zone (to be added to Zoning Ordinance)</p> <p>6.0 CONSIDERATION ITEMS - None</p> <p>7.0 OLD BUSINESS</p> <p>7.1 Review and Discussion of Planning Commission Workshop</p> <p>8.0 OTHER BUSINESS - None</p> <p>9.0 NEXT MEETING: July 11, 1989</p> <p>9.1 MLP-89-03/VR-90-03</p> | <p>1. STAFF REPORT</p> <p>2. CORRESPONDENCE</p> <p>3. APPLICANT'S PRESENTATION</p> <p>4. PUBLIC TESTIMONY FROM OTHERS IN SUPPORT OF APPLICATION</p> <p>5. COMMENTS OR QUESTIONS FROM INTERESTED PERSONS WHO NEITHER ARE PROPONENTS NOR OPPONENTS</p> <p>6. PUBLIC TESTIMONY FROM THOSE IN OPPOSITION TO THE APPLICATION</p> <p>7. QUESTIONS FROM THE PLANNING COMMISSION</p> <p>8. REBUTTAL TESTIMONY FROM APPLICANT</p> <p>9. CLOSING OF PUBLIC HEARING</p> <p>10. COMMISSION DISCUSSION/ACTION</p> |
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THE PLANNING COMMISSION'S DECISION ON THESE MATTERS MAY BE SUBJECT TO FURTHER REVIEW OR APPEALED TO THE CITY COUNCIL. FOR FURTHER INFORMATION, CONTACT THE MILWAUKIE COMMUNITY DEVELOPMENT DEPARTMENT OFFICE AT 659-5171.

THE MILWAUKIE PLANNING COMMISSION WELCOMES YOUR INTEREST IN THESE AGENDA ITEMS. FEEL FREE TO COME AND GO AS YOU PLEASE.

<p><u>COMMISSIONERS:</u> JOHN LITTLEHALES, CHAIRMAN PATRICIA LENT DON TROTTER ANGUS ANDERSON JOHN MUIRHEAD BETTY FULMORE</p>	<p><u>STAFF:</u> WILLIAM B. ADAMS, COMMUNITY DEVELOPMENT DIRECTOR DAVE KROGH, ASSISTANT PLANNER SHIRLEY RICHARDSON, HEARINGS REPORTER</p>
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