

MILWAUKIE PLANNING COMMISSION
PUBLIC HEARING
TUESDAY, AUGUST 22, 1989

COMMISSIONERS PRESENT

Chairman Littlehales
Angus Anderson
Patricia Lent
Don Trotter
Bob Vial

STAFF PRESENT

William B. Adams, Community
Development Director
Dave Krogh,
Assistant Planner
Paul Roeger,
Office Engineer
Bill Monahan
Legal Counsel
Shirley Richardson,
Hearings Reporter

COMMISSIONERS ABSENT

Betty Fulmore
Carolyn Tomei

1.0 CALL TO ORDER

Chairman Littlehales called the meeting to order at 6:30 p.m. He then introduced the newest Commissioner, Bob Vial.

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: July 25, 1989

Pat Lent moved to approve the Minutes of July 25, 1989, as corrected. Don Trotter seconded. MOTION PASSED 3-0 with two abstentions. Angus Anderson was not at that meeting and Mr. Vial was not a Commissioner at that time.

4.0 PUBLIC COMMENT -- None.

5.0 PUBLIC HEARINGS

5.1 APPLICANT: Homesite Development Corp.
PROPERTY OWNER: Gersch Investment Co.
LOCATION: South of Winsor Drive (Tax Lots 2500, 2600, and
3100 of Tax Map T1S-R1E-30DB).

PROPOSAL: 20 lot subdivision (preliminary Plat) in R-7. (S-89-05)

Dave Krogh reported that this is a preliminary plat approval request to allow a 20-lot subdivision in an R-7 zone. He then pointed out on a zoning map the location of the proposed site and the character of its surrounding areas. The preliminary plat showed the proposed lot designations of the subdivision, including a two-acre portion of the property proposed as a natural resource area.

Staff has reviewed the request as per zoning criteria and find it does meet all standards with the exception of the minimum lot size. Higher density is allowed based on the dedication of the natural resource area. One of the recommended conditions is that Lot 20 be adjusted to allow a larger buildable area. The Comprehensive Plan criteria is satisfied by this proposal and it does meet preliminary plat requirements. Staff does recommend approval with conditions as stated in the staff report.

The applicant does have a desire to receive a tax break for dedication of the natural resource area. A letter was read from Tim Ramis, City Attorney, confirming that whether the dedication was required by condition or part of the application described in findings, the dedication is enforceable so long as it is shown in the application and referred to in the approval findings.

Pat Lent asked if there was a dedication timeframe involved with the bonus density? Dave Krogh indicated that the Ordinance does not specifically set a date requirement, it only requires that a dedication occur.

APPLICANT'S PRESENTATION

Speaking: William Cox, Owner, Homesite Development Corp., who is the contract purchaser of the property as well as the developer

Mr. Cox indicated that while they were in the process of negotiations for this property, they realized that this was an area that was under consideration in the periodic review process. After their first application, they hired an agency to do an environmental assessment. In the report from that agency, it was indicated that there are three distinct types of vegetation on the property. Using this report, they determined the boundary lines for their subdivision and the wetlands.

Mr. Cox indicated that they are willing to donate this natural area to any organization that is willing to take care of it. He is concerned about wetlands being designated and no one to take care of them. They are willing to give the property to the City or a suitable organization and feel they should get a tax break for the donation. In order to qualify for this bonus, the property owner must retain the property for one year and then voluntarily donate the property.

In answer to a statement in Mr. Mayes' letter that the effects of this runoff on the Homesite wetland, as well as surrounding properties, is unclear, Mr. Cox feels this is not true. In the Fishman determination it was stated, "Homesite Development Corp has proposed to develop the central meadow and east portions of the site and to leave the west low area undisturbed as a natural area. The routing of project storm water to the wetland area would probably improve the hydrological conditions in the wetland."

Mr. Cox stated that he concurred with the staff report except for the tax issue and suggested a finding, "Applicant has stated it's intention to within thirteen months of plat recordation make a gift of Parcel A to the Wetland Conservancy or other non-profit group approved by the City of Milwaukie. Applicant has indicated it's intention to place a deed restriction upon Parcel A prohibiting building of any structures not associated with the use of Parcel A for natural resource preservation or storm water detention."

TESTIMONY IN FAVOR OF APPLICATION - None.

QUESTIONS OR COMMENTS ON APPLICATION - None.

TESTIMONY IN OPPOSITION OF APPLICATION

Speaking: Steve Mayes, son of Darlene Mayes, owner of property south of development project

Mr. Mayes indicated that it wasn't his intent to oppose the project, they just have some concerns they would like to address before the Application is approved. Historically this property has been wet and he is concerned that it is going to get wetter. He feels that enhancing Parcel A will make the wetlands marshier. The ground is so soft now that the fencing will not stay up. He would like some insurance that this development will not create swampier conditions on their property.

Mr. Mayes also requested that the City require the state to come in and do a wetland survey of the area and get a better idea where the wetlands are and what the future impact of storm drainage potential is on this land. He would like to have a fence put around the site where it abuts his mother's property line to minimize liability problems.

Speaking: John Seahorn, 9316 S.E. Regents Drive, Milwaukie

Mr. Seahorn indicated that he had lived here for twelve years. He and his grandson spend a lot of time on this site enjoying the wildlife and vegetation. They have seen frogs, shrews, moles, mice, field rat, quail, pheasant, three variety of ducks and migration, woodpecker squirrels, opossums, and predatory birds. These animals use the property and he is concerned that the trees and fields will be developed and they will lose this natural resource. If more water is generated in this area, it will kill a lot of the wildlife. He would like to see this area remain so the children can see how natural animals live, in natural surroundings, not in a zoo.

Speaking: Minnie Lloyd, 9335 S.E. Regents Drive, Milwaukie

Ms. Lloyd indicated that she had lived here for twenty-six years. Other developers have come in and they have had to back off because of water problems. She expressed concern over the drainage problem in this area. She has water in her yard. She is very concerned about the wildlife in the area, stating that she enjoys watching the animals, it's not something you get to see all the time. Also, she feels the schools are overcrowded as well. The proposed subdivision would mean increasing the school base, increasing her taxes.

Speaking: Connie Lato, 9326 S.E. Regents Drive, Milwaukie

Ms. Lato indicated that she lived there for one year. At the time of purchase, she was told that the City had donated this property for a nature park. Her children enjoy seeing animals in their natural environment. She feels there is a drainage problem, stating that in the wintertime, they can't even walk through their backyard. It is deep in mud and partially covers her patio to the kitchen. She hopes this development will not make this worse.

APPLICANT CLOSING COMMENTS

Speaking: William Cox

Mr. Cox indicated that the Division of State Lands has control over the wetlands in this state. The environmental study was done to determine the wetlands. The Division of State Lands will come out and review the environmental study to confirm that the subdivision development will not be in the wetland. They want to build only on the land that is determined not to be wetland. If there are some large trees on the lots, as long as they are not in the footprint of the house, they will be retained.

In regards to the water drainage, Mr. Cox indicated that they would not do anything to the property that would adversely impact the surrounding area. They are required by the City to meet all regulations for drainage.

In conclusion, Mr. Cox thanked the staff, and in particular Dave Krogh, for helping his project evolve to its present state.

DELIBERATION AMONG THE COMMISSIONERS

Paul Roeger, Office Engineer, City of Milwaukie, indicated that the details of the detention area had not been worked out with the consultant engineer on the project. The detention of the water on the total site will be reviewed to see what the impact on the wetlands will be and the boundaries, outlet sizing and other requirements will be worked out with the City under the Public Facilities Ordinance.

Mr. Roeger reported that there is a 18-inch drain line that runs down Regent's Drive. They have spent considerable time down stream on that line, removing roots, and that has improved flow. They have had some backup of that line during heavy rains. He doesn't know if there has been work done in the area of the inlet, west of Parcel A. There is a problem with access to that inlet. The maintenance of that drainage system is the responsibility of the City.

The City is in favor of a straight extension of Winsor Drive to the south, rather than the curved alignment as shown on the plat. If Winsor Drive is extended to Willow, Willow will be improved along the development boundary. This extension is not part of the preliminary plat approval.

Public Works and the Fire Department are in favor of the cul-de-sac on Winsor Court as presented. This design, rather than a hammerhead, makes it easier for street cleaners and emergency vehicles to get access.

Don Trotter asked Staff if the wording on the proposed finding by Mr. Cox was acceptable. Mr. Monahan indicated that it was appropriate.

Angus Anderson asked Mr. Cox what was the intended use for the area immediately adjacent to Lot 20 since it was not a part of Lot 20. Mr. Cox stated that it would either be dedicated as part of the wetlands or it would be connected to Lot 20. It is not buildable land, it can be somebody's yard. If the City is interested in acquiring it as an adjustment area for getting people into the wetland, they are amenable to that.

Chairman Littlehales moved to approve Preliminary Plat for S-89-05 with the findings as proposed by Staff with the exception of Finding #1.B.3. Deleting the third paragraph of that finding and adding the proposed language by the applicant after adding the statement requested by Staff to the effect that the notation of the plat show Parcel A as unbuildable. With the following conditions, Condition 1 as it stands, Condition 2 as it stands relating to preliminary final plat adoption, Condition 3, "Compliance as required with the Public Works Department which will be implemented as part of the City Public Facilities Improvement Ordinance. Delete Condition 4 and renumbering subsequent conditions. Condition 6 as proposed. Add a new Condition 8, "The plat shall be adjusted to enlarge the buildable area of Lot 20 subject to the approval of City Staff." Angus Anderson seconded. MOTION CARRIED 5-0.

- 5.2 APPLICANT: MKF International Development
PROPERTY OWNER: Lincoln Property Co.
LOCATION: Hwy 224 at Freeman Way
(Tax Lot 704 of Tax Map T1S-R2E-31C)
PROPOSAL: Conditional Use for Racquetball Facility in BI Zone. (CU-89-03)

Dave Krogh reported that this was a request for a 4-court racquetball facility in a proposed commercial building located in the BI Zone. The building permit has been in effect since last year, prior to the adoption of the BI zone. The building permit was for an accessory commercial

building in the M (Manufacturing) Zone. After the adoption of the BI Zone, the applicant had a vested right to continue with the development of the building. Dave Krogh then showed an overhead projection of the development area. There has been a modification to the original submittal, a minor modification resulting in a loss of square footage of the building.

The applicant has adequately address all approval criteria and Staff recommends approval with Conditions 1 and 3. Condition 2 is deleted.

APPLICANT'S PRESENTATION

Speaking: Michael Coad, Leasing Agent and Development Consultant, Grubb & Ellis, representing the contract owner, MKF International Development and the sellers, Lincoln Properties

Mr. Coad began his presentation by thanking Dave Krogh and other staff for all their assistance in preparing this application proposed. Mr. Coad then indicated his clients were proposing a Pay-N-Play Racquetball facility. This is open to the public 24-hours a day. The center is operated by a computerized control system which distributes playing time, access, lights, and heat to the facilities. The centers are used for racquetball, handball, and any other related recreational activity that can be pursued in a court environment. The average usage is approximately five hours per day. Hours of operation are generally between 5:00 to 10:00 p.m. Each center maintains a restroom that remains open at all times. The construction is six inch concrete walls. The noise impact is minimal. The centers are widely utilized by civic and church groups, as well as the general public, and in this location the main thrust is for the patronage of the business park.

Mr. Coad submitted testimonials and references from other Pay-N-Play facilities. Also submitted was information confirming that the parking requirements for this type of facility is 1.5 cars per court.

Don Trotter asked how the facility would be advertised. Mr. Coad stated that the signing will be affixed to the facade of the building and backed with neon filament. He then introduced Frank Linden, Pay-N-Play franchisee at the facility to discuss the advertisement issue.

Speaking: Frank Lindon, 490 Collins Crest, Gladstone

Mr. Lindon indicated that he had been a resident of Milwaukie for 25 years. He stated that prior to opening they will have a one-page, 8-1/2 x 11 letter/insert in the Milwaukie Review. He and his wife will go around to the businesses in the area to let them know the facility will be available. At grand-opening, for five days, from 6:00-8:00 p.m. they offer free play time. In the future, in cooperation with all other Pay-N-Play facilities in the Metro area, they may do radio advertising.

TESTIMONY IN FAVOR OF APPLICATION - None.

QUESTIONS OR COMMENTS ON APPLICATION - None.

TESTIMONY IN OPPOSITION OF APPLICATION - None.

DELIBERATION AMONG COMMISSIONERS

Angus Anderson asked how the interior walls and floors of the facility be finished. Mr. Coad indicated that the floor will be Terrex, a quarter inch thick rubberized material with the same density of wood. The walls will be tilt-up concrete and painted with a solid sealant. There will be center and serving lines on the floor. There will be side lighting, rather than overhead lighting.

Pat Lent moved to approve CU-89-03 with findings in the staff report A through D. Deleting C.2. Leaving Condition #1 as stated, deleting Condition #2, and Condition #3 renumbered to 2. Chairman Littlehales seconded. MOTION CARRIED 5-0.

6.0 CONSIDERATION ITEMS - None.

7.0 OLD BUSINESS

7.1 Follow-up on Planning Commission Workshop

It was the consensus of the Planning Commission that the workshop was very informative and well presented. The summary submitted by the speaker was excellent. Dave Krogh suggested Planning Commission members insert their workshop summaries within their policy notebooks for reference purposes.

8.0 OTHER BUSINESS

8.1 Interpretation on Conditional Use

Dave Krogh asked the Commission for comments regarding the use of a florist shop in the BI zone. It was the consensus of the Commission that they would like more information on the proposed use before an interpretation can be made.

8.2 Hillman Powell

Dave Krogh reported that the Hillman Powell site plan had been revised and would be going before City Council on September 5th. Basically there were six pumps proposed originally and now there will be four. The size of the building has been reduced; it's a little wider, but much shorter. They will be utilizing the same brickwork materials as used at the Shopping Center site. They had previously proposed using the same roofing materials, but have decided to use a peaked, earthtone gray roofing material. Copies of the staff report to City Council will be provided to the Planning Commission prior to the September 5th hearing date.

8.3 Great American Appeal to LUBA (Status Report)

Bill Monahan reported that the transcripts and City records were submitted. The Planning Commission tapes are now being transcribed. Text from Happy Valley's traffic manual, referred to at City Council, was submitted but never got into the record. Request was made to get this information in. The deadline for the submission of the petition has been moved to September 8th.

8.4 Periodic Review Process

Dave Krogh indicated that staff would provide a summary of changes to the Periodic Review Package. This information will be mailed to the Commissioners prior to the next hearing on this issue which is scheduled for September 5th. City Council had some concerns about various issues and these will be discussed at this meeting.

8.5 Ship A'Shore Restaurant

Dave Krogh reported that Glen Smith, the owner, submitted a business license request for a second-hand store. As long as they maintain small shelf-type items, it would be considered an approved use in the C-L Zone.

8.6 Astro Station

Dave Krogh reported that negotiations are underway for the Milwaukie Tri-Cinemas owner to purchase the Astro property for parking.

8.7 Attorney's Memo on Public Law for Members of the City Council


Don Trotter discussed a copy of the City Attorney's memo on public law sent to members of City Council. The Commission agreed that it was valuable information and that they should also be provided with City Attorney correspondence pertaining to planning matters.

9.0 NEXT MEETING:

9.1 September 12, 1989

Dave Krogh provided a recommendation from staff that there be no meeting on September 12, 1989. There are no public hearings scheduled. The Commission concurred.

Pat Lent moved to adjourn the meeting of August 22, 1989. Angus Anderson seconded. MOTION PASSED UNANIMOUSLY 5-0. Meeting adjourned at 10:30 p.m.


John Littlehales,
Chairman


Shirley Richardson,
Hearings Reporter

AGENDA
MILWAUKIE PLANNING COMMISSION
COUNCIL CHAMBERS, CITY HALL, 10722 S.E. MAIN STREET
TUESDAY, AUGUST 22, 1989, AT 6:30 P.M.

ITEM HEARING FORMAT

- 1.0 CALL TO ORDER
- 2.0 PROCEDURAL QUESTIONS
- 3.0 CONSENT AGENDA
 - 3.1 PLANNING COMMISSION MINUTES: July 25, 1989
 - 3.2 CITY COUNCIL MINUTES: July 10 and 18, 1989
- 4.0 PUBLIC COMMENT - THIS IS AN OPPORTUNITY FOR THE PUBLIC TO COMMENT ON ANY ITEM NOT ON THE AGENDA
- 5.0 PUBLIC HEARINGS
 - 5.1 APPLICANT: Homesite Development Corp
PROPERTY OWNER: Gersch Investment Co.
LOCATION: South of Winsor Drive (Tax Lots 2500, 2600, and 3100 of Tax Map T1S-R1E-30DB).

PROPOSAL: 20 lot subdivision (Preliminary Plat) in R-7. (S-89-05) (Dave)
 - 2 APPLICANT: MKF International Development
PROPERTY OWNER: Lincoln Property Co.
LOCATION: Hwy. 224 at Freeman Way (Tax Lot 704 of Tax Map T1S-R2E-31C)

PROPOSAL: Conditional Use for Raquetball Facility in BI Zone. (CU-89-03) (Dave)
- 6.0 CONSIDERATION ITEMS - None
- 7.0 OLD BUSINESS
 - 7.1 Follow-up on Planning Commission Workshop (Bill)
- 8.0 OTHER BUSINESS
 - 8.1 Status of Periodic Review Process (Bill)
- 9.0 NEXT MEETING:
 - 9.1 September 12, 1989
No public hearings scheduled.

- 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 NEITHER ARE PROPONENTS NOR OPPONENTS
- 6. PUBLIC TESTIMONY FROM THOSE IN OPPOSITION TO THE APPLICATION
- 7. QUESTIONS FROM THE PLANNING COMMISSION
- 8. REBUTIAL TESTIMONY FROM APPLICANT
- 9. CLOSING OF PUBLIC HEARING
- 10. COMMISSION DISCUSSION/ACTION

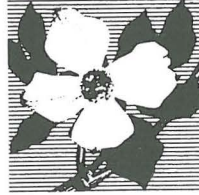
THE PLANNING COMMISSION'S DECISION ON THESE MATTERS MAY BE SUBJECT TO FURTHER REVIEW OR APPEALED TO THE CITY COUNCIL. FOR FURTHER INFORMATION, CONTACT THE MILWAUKIE COMMUNITY DEVELOPMENT DEPARTMENT OFFICE AT 659-5171.

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

COMMISSIONERS: JOHN LITTLEHALES, CHAIRMAN
PATRICIA LENT
DON TROTTER
ANGUS ANDERSON
BOB VIAL
BETTY FULMORE
CAROLYN TOMEI

STAFF: WILLIAM B. ADAMS, COMMUNITY DEVELOPMENT DIRECTOR
DAVE KROGH, ASSISTANT PLANNER
SHIRLEY RICHARDSON, HEARINGS REPORTER

CITY OF MILWAUKIE



MEMORANDUM

COMMUNITY DEVELOPMENT DEPARTMENT

August 30, 1989

To: Planning Commission
From: *Bill* Adams, Community Development Director
Re: Your last meeting - August 22nd

It was ironic that when we were talking about storm drainage, my basement was flooding. My wife called frantically asking for help! Fortunately, there was no permanent damage. I apologize for not being able to stay for the whole meeting.

I've attached a copy of two memoranda, one on Periodic Review, and one on the Hillman gas station appeal. These were sent to City Council as part of their packet for the September 5th hearings. If you have any questions regarding these memoranda, please call.

I apologize for not providing any advance notice on the florist shop review request. It was a last minute request from the leasing agent. I intended to ask your input as to whether florist shops are considered a limited use in the Business Industrial Zone. I then intended to make my decision and notify the leasing agent. In the future I will provide a one page memorandum when seeking the Commission's input on code interpretation.

For your information, I decided the florist shop is not a "similar and compatible" use, and not a limited use in the Business Industrial Zone. The leasing agent has the right to appeal my interpretation to the Planning Commission. The appeal would be processed as a public hearing before the Commission.

This may be somewhat confusing since it differs with the Hillman gas station procedure. The difference is that in the BI Zone, I make the interpretation, in the C-CS Zone, you make the interpretation. The relevant sections in the zoning ordinance are 3.14.1.b.7) (C-CS Zone) and 3.14.3.A.6) (BI Zone).

If you have any comments or questions on the above matters, please call. I will be happy to discuss it with you.