

MILWAUKIE PLANNING COMMISSION  
PUBLIC HEARING  
TUESDAY, OCTOBER 10, 1989

COMMISSIONERS PRESENT

Chairman Littlehales  
Angus Anderson  
Betty Fulmore  
Carolyn Tomei  
Bob Vial

STAFF PRESENT

Anne Nickel, Acting  
Community Dev Director  
Dave Krogh,  
Assistant Planner  
Shirley Richardson  
Hearings Reporter

COMMISSIONERS ABSENT

Pat Lent  
Don Trotter

1.0 CALL TO ORDER

Chairman Littlehales called the meeting to order at 6:45 p.m.

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: September 26, 1989

Carolyn Tomei moved to approve the Minutes of September 26, 1989. Bob Vial seconded. MOTION PASSED 4-0 with one abstention. Angus Anderson was not at that meeting.

4.0 PUBLIC COMMENT

COMMISSION REVIEW OF SIMILARITY OF NON-CONFORMING USES

Dave Krogh indicated that Staff was requesting opinions from the Planning Commission on the similarity of two non-conforming uses. Staff has a situation where an existing commercial structure being used as a cabinet shop would like to change its use to a machine shop. The property owner

contends the machine shop would be the same type and scale as the cabinet shop with similar activities. The only difference is that they would be working with metal instead of wood. Staff asked the Commission for their input before a final Staff decision is made as to the owner's process.

Speaking: Harry Buckley, Commercial Factors, 32nd & Malcolm.

Mr. Buckley indicated that this building has been used for retail and light commercial for many years. It is currently a cabinet shop and he feels the change to a machine shop would not be a change in the use. There is great similarity between a cabinet and machine shop. They use the same amount of employees, machines, tools, etc. They would like a favorable opinion on this matter.

Carolyn Tomei asked how much noise and how long in duration would this noise be.

Speaking: Gary Mellum, 1345 S.E. Denny, Milwaukie

Mr. Mellum indicated that there would be three to four employees and about 15 machines and tools. If all machines were going at the same time the loudest machine would be 80 decibels. There is no noise outside the building. Sometimes this noise level would be eight hours a day, only on weekdays. There would be no overtime or weekend work.

Bob Vial asked what things would be dissimilar between woodworking and machine shop uses. Mr. Mellum indicated that there would be no dust like there is with woodworking and no electric lathe. Everything else is similar.

Betty Fulmore asked what was the product. Mr. Mellum indicated that they were a small parts manufacturer.

Dave Krogh stated that the cabinet shop use reportedly was in existence when the C-L zoning was put into effect. The C-L zoning does not allow cabinet shops. That is how it became a non-conforming use. Anne Nickel reported that the non-conforming designation is put on a use so that in the event that the ownership or use changes, it must come before the Planning Commission for approval. The question on this issue is whether or not this is a change of use.

Different points were brought out by the Commission. The process in the Zoning Ordinance, Section 8.05 deals with changes in non-conforming use; any change must be brought before the Commission for approval. The cabinet shop and machine shop are similar and consistent. Dave Krogh thanked the Commission for their opinions and indicated that Staff will weigh the input and render an interpretation to the applicant as to the proper process for changing the use.

5.0 PUBLIC HEARINGS

- 5.1 PROPOSAL: Legislative Changes (as part of Periodic Review) to Section 9.03 of the Zoning Ordinance - Zoning Map Amendment Criteria.

Chairman Littlehales reported that there had been a worksession on this issue last week and several concerns were raised. It was the consensus of the Commission at that time that additional Planning Commission review time was needed so more information could be obtained.

Dave Krogh indicated that he has talked with the City Attorney and Staff and it is agreed that more time is needed to address many of the concerns brought out.

Chairman Littlehales opened the public hearing. Angus Anderson moved to postpone the public hearing until such time that City Staff and City Attorney has had time to research the situation and determine proper action. There will be a renotification for a public hearing. Betty Fulmore seconded. MOTION CARRIED 5-0.

- 5.2 PROPOSAL: Remand from City Council for review of multifamily housing uses within the proposed McLoughlin Corridor Overlay Zone (/MC)

Dave Krogh reported that the portion of the /MC Overlay Zone that was submitted to City Council was returned for Commission review. This portion deals with the issue of multifamily housing uses in the McLoughlin Corridor Overlay Zone. Staff has recognized that residential uses would not be detrimental to the commercial development or overall project if part of a coordinated commercial/residential mix. Council feels that more specific language should be used concerning this matter.

Dave Krogh indicated that three options were being submitted to the Commission. One, no change; two, prohibit multifamily; and three, add multifamily residential restrictions to the Overlay Zone.

Speaking: Phil Walter, 7242 S.E. Renada, Milwaukie

Mr. Walter asked if this zone was established to tie in with the Riverfront development? Chairman Littlehales explained that the intent of this zoning was to try to preserve some of the aspects until the Riverfront project could get going.

Mr. Walter also asked if the existing uses could remain? Chairman Littlehales answered that they could remain subject to normal City non-conforming use provisions.

Speaking: Jack Peters, 10961 S.E. McLoughlin, Milwaukie, home: 410 N.W. 18th, #201, Portland 97209

Mr. Peters explained that a fourth of his building on the main floor is currently vacant. He would like to put a business in this area in the future. Would this new zoning prohibit him from doing this. Dave Krogh indicated that as long as the business use was conforming to the C-L zone, it would not be a problem.

Speaking: Alan Olsen, 12016 Sequoia Place, Milwaukie

Mr. Olsen indicated that he was the property owner of the Olsen Brothers Service Station at 10700 McLoughlin Blvd. He has been there for 32 years. He asked if he would be able to maintain the use of this property with this new zoning. Dave Krogh stated that his business was considered a legal non-conforming use and he is allowed to continue this use until the use changes.

Mr. Olsen reported that he is about to put a large investment into his business for updating to comply with EPA standards for gas storage tanks, and maybe a change in supplier. He would like to have some assurance that he will be able to continue his service station in this new zoning before he commits to this investment. Dave Krogh indicated that as long as the use itself doesn't change, the status of the service station wouldn't change.

#### DELIBERATION AMONG COMMISSIONERS

The Commission discussed and evaluated the role of multifamily use in the riverfront area. Multifamily use would be a secure economic base for the commercial uses in the project, but they require carports or garages, parking spaces, storage lockers, etc. Condos are flexible, but they don't want to give the impression that this area is for the "rich" only.

Anne Nickel indicated that there is about 2.8 acres of buildable land available for development on the riverfront. The size alone restricts development possibilities.

The Commissioners discussed parameters of multifamily use.

- Maintain some mixed residential/commercial use already existing.
- No domination of residential use.
- Visibility factor, from the waterfront and from McLoughlin, be maintained.
- No residential use on the first levels from McLoughlin and from the riverfront.

Carolyn Tomei moved to recommend to City Council a change in the language in the zoning ordinance to read, "Multifamily and condo residential uses may be allowed as part of a mixed use development provided the multifamily use does not occupy the street level for developments facing McLoughlin Blvd and ground level facing the river." Bob Vial seconded. MOTION CARRIED 5-0.

7.0 OLD BUSINESS -- None.

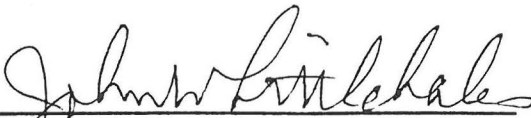
8.0 OTHER BUSINESS


8.1 Public Facilities Plan Update Worksession  
(postponed)

9.0 NEXT MEETING: October 24, 1989

9.1 Stanley Rezoning Work Schedule

Angus Anderson moved to adjourn the meeting of October 10, 1989. Bob Vial seconded. MOTION PASSED UNANIMOUSLY 5-0. Meeting adjourned at 9:05 p.m.

  
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John Littlehales,  
Chairman

  
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Shirley Richardson,  
Hearings Reporter

**AGENDA  
MILWAUKIE PLANNING COMMISSION  
MILWAUKIE CENTER, 5440 S.E. KELLOGG CREEK DR.  
TUESDAY, OCTOBER 10, 1989, AT 6:30 P.M.**

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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: Sept. 26, 1989</p> <p>3.2 CITY COUNCIL MINUTES: Sept. 19, 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 PROPOSAL: Legislative Changes (as part of Periodic Review) to Section 9.03 of the Zoning Ordinance - Zoning Map Amendment Criteria</p> <p>5.2 PROPOSAL: Remand from City Council for review of multifamily housing uses within the proposed McLoughlin Corridor Overlay Zone (/MC)</p> <p>6.0 CONSIDERATION ITEMS - None.</p> <p>7.0 OLD BUSINESS - None.</p> <p>8.0 OTHER BUSINESS</p> <p>8.1 Public Facilities Plan Update Worksession (will be postponed)</p> <p>9.0 NEXT MEETING: October 24, 1989</p> <p>9.1 Stanley Rezoning Work Schedule</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> <p><b>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.</b></p> |
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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 ANGUS ANDERSON BETTY FULMORE PATRICIA LENT CAROLYN TOMEI DON TROTTER BOB VIAL</p>	<p><u>STAFF:</u> ANNE NICKEL, ACTING COMMUNITY DEVELOPMENT DIRECTOR DAVE KROGH, ASSISTANT PLANNER SHIRLEY RICHARDSON, HEARINGS REPORTER</p>
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