

CITY OF MILWAUKIE
PLANNING COMMISSION MINUTES
TUESDAY, SEPTEMBER 14, 1999

COMMISSIONERS PRESENT

Donald Hammang, Chair
Judith Borden, Vice-Chair
Barbara Cartmill
Tracy Cook
Mike Miller
Doug Ouderkirk
Howard Steward

STAFF PRESENT

Alice Rouyer,
Planning Director
John Gessner,
Associate Planner
Gary Firestone,
City Attorney
Shirley Richardson,
Hearings Reporter
Mike Swanson,
Pro-Tem PW Dir

COMMISSIONERS ABSENT -- None.

1.0 CALL TO ORDER

The meeting was called to order at 6:30 p.m.

2.0 PROCEDURAL QUESTIONS -- None.

3.0 INFORMATION ITEMS -- City Council Minutes, August 2 & August 3, 1999

4.0 PLANNING COMMISSION MINUTES -- July 27 and August 10, 1999

Tracy Cook moved to approve the Planning Commission minutes of July 27, 1999, and August 10, 1999, as presented. **Mike Miller** seconded the motion.
MOTION CARRIED 7-0.

Ayes: Hammang, Borden, Cartmill, Cook, Miller, Ouderkirk, Steward;
Nays: None.

5.0 PUBLIC COMMENTS -- None.

6.0 PUBLIC HEARINGS

6.1 Applicant: Anthony Harwood
Property Owner: Ken Hoffman
Location: 4400 SE International Way

Proposal: Remodel an existing building for use as a restaurant/sports bar.
File Number: CU-99-02/TPR-99-02
NDA: Business Industrial/Lake Road (neighboring)

Chair Hammang opened the public hearing on Conditional Use CU-99-02 and Transportation Planning Review TPR-99-02 to allow a minor addition and occupancy of 4400 SE International Way by a restaurant & tavern. The criteria to be addressed are found in Section 324.5, 602.6, and 1400 of the Milwaukie Zoning Ordinance.

Chair Hammang asked if there were any conflicts of interest or ex-parte contacts to declare? There were none. He asked if any member of the Planning Commission visited the site; seven hands were raised. No one who visited the site spoke to anyone at the site or noted anything different from what is indicated in the Staff Report. No one in the audience challenged the impartiality of any Commission member or the jurisdiction of the Planning Commission to hear this matter.

STAFF REPORT

John Gessner reviewed the staff report with the Commission. He reported that the Applicant is now doing business as Jo's Saloon located on Webster Road. It is his intent to relocate to International Way at the former Clackamas Federal Credit Union building. The restaurant is a restricted use. There must be a Planning Commission decision for any restaurant occupying over 25 percent of it's building. In this case, the business is occupying 100 percent of the building. A Transportation Planning Review is required to insure adequate on-site parking and bicycle/pedestrian facilities are in place.

The proposed use is a combination restaurant and drinking establishment. Drinking establishments are defined as high-impact use and have a separate approval process.

The conclusion in the staff report is that the proposed use is consistent with the applicable criteria. Overheads were shown of the subject site and surrounding area. An overhead was shown of the Clackamas Federal Credit Union building. Site improvements were made, but not completed by that use. The drive-through canopy will be filled in for a freezer and walk-in cooler. The front portion of the site will remain as it is. The gravel portion in the rear is not part of the lease, and will not be used.

Under past approval, a sidewalk between the J C Penney site and the subject site has been installed, as well as an additional sidewalk between the parking lot and the sidewalk along International Way. These sidewalks, as well as a bike rack were required as part of a prior TPR approval, for the credit union.

Hours of operation have been modified to Sunday through Thursday, 7:00 a.m. to midnight and 9:30 a.m. to 2:30 a.m. on the weekends. The use calls for an enclosed deck at the back of the property to be used for outdoor dining for 18 persons. Two signs are proposed for this use.

QUESTIONS FROM THE COMMISSIONERS

Mike Miller asked how many signs would be located on the site? **John Gessner** stated that it is his understanding that there will be two signs.

Donald Hammang asked for clarification of the parking configuration. **John Gessner** stated that the proposed parking is two or three spaces short of the minimum required for the restaurant. There is an area that has been asphalted under the prior approval, but has not yet been striped. If used, it will address the adequacy of on-site parking during peak events.

CORRESPONDENCE RECEIVED BY STAFF

John Gessner passed out a letter received from Mary Jay, Workforce Development Manager for J C Penney's Credit Union. This letter addresses concerns of potential overflow parking on their site.

APPLICANT PRESENTATION -- None.

TESTIMONY IN FAVOR -- None.

QUESTIONS OR COMMENTS

Speaking: Mary Jay, 4560 SE International Way, Milwaukie

Ms. Jay stated that she just wanted to voice concern about overflow parking. There is also concern about the interaction between the two uses between the two sites. J C Penney's hours of operation are until 9:00 p.m. in the evening, and there are several female employees who will be walking to their cars at night.

QUESTIONS FROM THE COMMISSIONERS -- None.

TESTIMONY IN OPPOSITION -- None.

ADDITIONAL COMMENTS FROM STAFF

John Gessner stated that he talked to Ms. Jay. Staff feels that a security fence is not needed at this time. It may limit the ability of on-site security to monitor the site. If the walkway is preserved, it will serve as an access for people to walk between the two sites. There is a condition of approval addressing this issue. If there is a violation of conditions of approval, or other problems ensue as a result of the conditional use, enforcement will be used and the Planning Commission can take corrective action.

QUESTIONS FOR CLARIFICATIONS

Tracy Cook noted that this will be a lease for Jo's Saloon, but the property is owned by Mike Galvin. She asked if the improvements would be completed by this applicant? **John Gessner** stated that when Clackamas Federal Credit Union left the site, required improvements had not been completed.

Chair Hammang asked for more information on the proposed parking configuration. **John Gessner** pointed out the proposed parking configuration on an overhead. The required space for this use is 36. The lot can be striped for 45 spaces.

Tracy Cook asked if the trench on the site is part of the previous improvements that were not completed? **John Gessner** stated that this trench would be paved over by the Applicant. The Zoning requirement for the restaurant is based on floor area. There is more space on-site than needed to meet the minimum zoning requirements, however, there is concern about over-flow parking. Staff recommends that the greatest number of parking spaces be provided on-site.

Howard Steward suggested that Staff talk with both parties to see a mutually satisfactory resolution to the overflow parking be can be reached. He asked if 45 spaces is the maximum parking that is available on site? Is there anything across the street that could be used for overflow parking in the evenings? **John Gessner** stated there was no parking across the street. There is more space in the back of the property that is presently gravel and not suitable for parking. This portion of the property is excluded from the lease and cannot be used for parking.

Mike Miller voiced concern about the parking and suggested that there be more parking to avoid conflict between the subject site and any business along International Way.

Chair Hammang asked if all the landscaping plantings of the previous use were completed? **John Gessner** stated that landscaping plantings and trees were not installed. Very little was done by the previous owner – the credit union.

APPLICANT'S CLOSING COMMENTS

Speaking: Anthony Harwood, 7121 SE Ranada, Milwaukie

Mr. Harwood stated that they currently use Western Security for surveillance. There will be outside cameras mounted on the building. These tapes are made available for Clackamas County Police. This type of security has worked well for them.

Mr. Harwood stated that there is an exclusion in the lease for the back portion of the property. He does not know if he would be able to get the back part of the lot for parking. The owner of the lot has discussed putting in storage buildings.

QUESTIONS FROM THE COMMISSIONERS

Mike Miller asked who would be the clientele? **Mr. Harwood** stated that there are no minors allowed. Employees of area businesses would use this facility. Many of the companies are clientele now on Webster and Theissen Roads. They hold a lot of company activities, e.g., retirement parties, company parties, etc.

Howard Steward asked if there was any data on customer parking use at the Webster location? **Mr. Harwood** stated that he would be happy to have 45 spaces, but he believes that currently the parking is in the 30 range.

Gary Firestone stated that it would be feasible to impose a condition requiring the maximum number of parking spaces be installed. Since the owner is a co-applicant, it is appropriate to ask the owner questions.

Speaking: Ken Hoffman, PO Box 637, Clackamas

Mr. Hoffman stated that he and his partner purchased this site from the Credit Union as an under-developed site. There is an acre of land with a 3,700 sq.ft. building. Jo's Saloon has been in business for 25 years and has an impeccable reputation. They felt he would be an excellent tenant.

On a building that takes 100 patrons, 36 parking spaces are required. This site is 25% over the parking requirements. There is 175'x60' feet of land in the back that is to be used as an industrial building.

Mike Miller asked for clarification on the number of signs? **Mr. Harwood** stated that there will be two signs on the building and one sign at the entrance inside the building. It will be visible from the outside. There will be a sign on the front walkway where the base of the Clackamas Credit Union sign remains. Another sign will be placed on the backside of the building, visible from the expressway.

John Gessner stated that the sign regulations are those for the underlying zone. The Applicant is restricted to 1-1/2 square feet per foot of frontage. The Applicant is within the regulations.

DELIBERATIONS AMONG THE COMMISSIONERS

Chair Hammang closed the public portion of the hearing and opened the meeting to discussion among the Commissioners.

Barbara Cartmill stated that she feels the parking as proposed is sufficient. She will be voting in favor of this Application.

Doug Ouderkirk stated that he is encouraged that the Applicant has met and exceeded the parking requirements. He is concerned about parking on the J C Penney site. He suggested signage "no parking allowed in the adjacent area" as a condition of approval. He hopes the applicant will work out differences should they occur.

Mike Miller voiced concern about the 2:30 a.m. closing on Friday and Saturday nights. There is a residential area not far from the site. He would like to see the hours reduced to 1:00 a.m. on the weekend. He does not feel that parking is adequate.

Doug Ouderkirk moved to approve CU-99-02 and TPR-99-02 authorizing minor addition and occupancy of 4400 SE International Way by a restaurant and tavern and to adopt the staff recommended Findings and Conditions of Approval. Further amend Condition #5:

“Problems with, or complaints about overflow parking or off-site disturbances will be addressed to Staff. If Staff is unable to resolve the problem, it will be forwarded to the Planning Commission for reconsideration of the conditional use pursuant to Section 601.5.”

Add Condition #11:

“The use is required to have at least 45 parking spaces at this location.”

Add Condition #12:

“The hours of operations shall be 7:00 a.m. to midnight on Sunday through Thursday, and 7:00 a.m. to 2:30 a.m. on Friday and Saturday.”

Tracy Cook seconded. MOTION CARRIED 7-0.

Ayes: Hammang, Borden, Cartmill, Cook, Miller Ouderkirk, Steward;

Nays: None.

Recess was taken at 7:40 and the meeting reconvened at 7:45 p.m.

6.2 Applicant: City of Milwaukie
Property Owner: N/A
Location: N/A
Proposal: Amend the Zoning Ordinance to add Section 1500 -
Boundary Changes to allow for future annexations,
consistent with Oregon Revised Statutes and Metro Code.
File Number: CU-99-03
NDA: ALL

Chair Hammang re-opened the legislative hearing on Zone Amendment ZA-99-01 to reconsider boundary changes in the Milwaukie Zoning Ordinance, Section 1500. This hearing is continued from August 10, 1999.

STAFF REPORT

Alice Rouyer reviewed the Staff Report with the Commission. A recommendation was sent to City Council to approve the annexation section of the Zoning Ordinance minus Section 1504 and revisions to Section 1502.2. There

were concerns expressed about the expedited process. She introduced Ken Martin, Annexation Consultant, and Mike Swanson, Pro-Tem Public Works Director.

Revisions to the ordinance were included in the staff report. Substantive changes were made to the notice provisions to make them consistent with the Code.

Mike Swanson stated that he and Ken were involved with the process of developing the Metro Ordinance. The major issue discussed was the expedited process. Considering a discussion last Spring with City Council, the City Attorney prepared the proposed ordinance that is before the Commission tonight.

Mr. Martin is here tonight to explain, in terms of numbers and the kinds of cases and issues that were presented to the Metro Council. He is the person who knows most about the current Metro process and what is going on in the region under the new process. He can comment on what expedited cases looked like in the past and what could be expected if expedited annexations happened in Milwaukie.

QUESTIONS FROM THE COMMISSIONERS

Donald Hammang stated that there are two issues that were discussed the most:

1. Why is there a need for an expedited process?
2. Why is the Code written that expedited processes bypass the review of the Planning Commission?

Mike Miller asked why there is no allowance of a hearing for citizens in this process?

Ken Martin stated that the Boundary Commission is the agency for all annexation activity for all the cities and special districts in the three-county area. The process has been shifted so that cities do all of their own annexation processing. Special district annexations are handled by the County.

Under the Boundary Commission, there was an expedited process specified in the statute. This statute was adopted in the early '80's. An applicant previously had to go through a process that took about 50-60 days. The Boundary Commission had a limit of 90 days to complete an application.

The Homebuilders Association was concerned because they were annexing territory to water districts and cities. They did not want to go through a lengthy

process when there were no planning concerns or issues about services. This took a lot of time and added to the cost of housing; they wanted an expedited process. Likewise, there were single lot annexations that occurred for reasons other than development where an expedited process made sense. Particularly for people who had wells that went bad and needed to be hooked up to water systems and sewer systems. There was rationale why the expedited process was included.

The people who wanted the expedited process went before the Legislature and had the State Statute changed.

Under the Boundary Commission, this is a 25-day process. Any applicant could request any boundary change. During the first 15 days, the Commission staff is required to do a brief summary of the proposal. This would explain the location, size, planning and zoning designations, what was being proposed, and where the services are located. This information goes out to every unit of government in the area. At this point, the 10-day period started. If there was a response in that time, the application is kicked out of the expedited process and forwarded to a public hearing.

The process being proposed by Milwaukie is more restrictive and protective of citizen rights than the Boundary Commission process. The Boundary Commission also reviewed extra-territorial and sewer line extensions. There were about 500 proposals done under this expedited process. None were denied and very few were called to a public hearing. They were not controversial types of proposals. The typical expedited proposal is 1-5 acres. There are no giant subdivisions, commercial developments, malls, etc.

The Statute change that required Metro to pass these rules, required that there be an expedited process. The expedited process can only be used on one type of annexation, a petition signed by 100% of the property owners and lower than 50% of the electors. If the City wants to initiate an annexation, it cannot be expedited. The notice requirements in the Metro code are far more extensive than those requirements under the Boundary Commission process. Milwaukie is requiring notice of 400' rather than the 100' state requirement.

If the process is to go through the Planning Commission and the City Council, it is not an expedited process.

QUESTIONS FROM THE COMMISSIONERS

Mike Miller stated that he is very concerned that a citizen would not have the right to go before City Council and in a public hearing express their concern, support or opposition to an annexation. If a citizen goes to the annexation hearing, he has no right to speak. **Alice Rouyer** stated that this is correct as indicated on Page 7 of the Staff Report. **Ken Martin** stated that, under the Boundary Commission rules, notice went out and if there was a concern expressed, a public hearing could be requested. Under the proposed ordinance, City Council would have the authority to call a public hearing if requested.

Mike Miller asked when an annexation came before the Council, why couldn't it be handled as a public hearing rather than a Council-only decision? Citizens do not know the process, only activists and those in public light know the process being discussed. Citizens are left out of the process. He cited an example where two people come in for an annexation who represent 60% of the property and 60% of the value of the property, forcing a third person in who owns a lesser amount of property. **Gary Firestone** stated that there are three different ways properties can be annexed. The expedited process has an additional requirement of 100% of property owners and 50% of electors. **Ken Martin** read Section 3.09045(a) of the Metro Code. The Milwaukie ordinance references the Metro Code section.

Chair Hammang stated that this process could be reviewed as a block to participation by the way the rules are written. It does not allow any review by other parties.

Alice Rouyer stated that the Commission could make a recommendation to City Council that the expedited process be a public hearing at the Council level. This will allow notice and the opportunity for citizens to speak at the hearing.

Mike Miller suggested that the notification be consistent with the notification for regular annexation, 400 feet. This would be an amendment to Section C, changing the notification from 200 feet to 400 feet.

Howard Steward stated that he would be opposed to voting on anything that does not public participation.

Chair Hammang asked for a definition of the objections. **Gary Firestone** stated that there were two objections. The primary objection is delays. The second level is not objection, but a consideration of what is an

annexation. Minimal land-use annexations are the reason for the expedited process. The only land-use issue is determining the appropriate zoning designation. He suggested the Commission recommend approval of Section 1500 with the exception in the expedited process that a public hearing will be used. Regular notice procedures would be required. Further that the Zoning Chart be reviewed for changes.”

Mike Miller suggested that lots should come in with their present zoning and have to go through a zone change in the City. This should be done rather than an automatic zone change. He has a problem with properties coming in for a change. **Alice Rouyer** stated that spot zoning can get confusing on the map. She has concerns from a land use perspective about spot zoning in the City.

Ken Martin explained that an applicant comes in at a pre-application conference for an expedited process. If staff feels that the ultimate zoning for the property is not appropriate under the expedited process, there is no annexation. Staff could give the applicant two options; go through the expedited process for annexations as proposed by the chart, or get turned down because it is inappropriate. Another option would be going through a full annexation process for a decision. This is a decision of the applicant to take the chance of being denied or a full annexation process.

Gary Firestone suggested the option of taking R-15 and R-20 out of the expedited process.

Mike Miller moved to approve the proposed Boundary Changes in Section 1500 of the Milwaukie Zoning Ordinance, and requiring a public hearing at the City Council level for expedited annexations. Further that County property zoned R-15 and R-20 be removed from the expedited process. **Barbara Cartmill** seconded. MOTION CARRIED 7-0.

Ayes: Hammang, Borden, Cartmill, Cook, Miller, Ouderkirk, Steward;
Nays: None.

7.0 WORKSESSION -- None.

8.0 DISCUSSION ITEMS -- None.

9.0 OLD BUSINESS -- None.

10.0 OTHER BUSINESS / UPDATES

10.1 Historical Resources Commission Report -- No Report.

10.2 Community Development Director Report

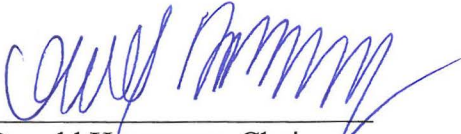
Commission Calendar. Alice Rouyer stated that the September 28th worksession will be on the Draft Tree Ordinance. The Commission is invited to attend a joint worksession on September 20, 1999, with City Council to discuss Title III and the Natural Resource Overlay Zone.

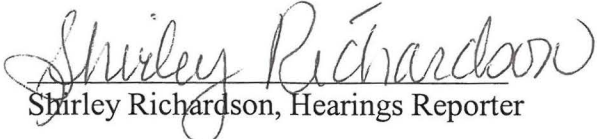
There is a Town Hall Riverfront Plan Open House on September 22, 1999, at the Milwaukie High School. Alice Rouyer invited the Commission members to attend the Clackamas County Growth Conference on October 15, 1999.

11.0 NEXT MEETING -- September 28, 1999

11.1 Worksession -- 1996 Draft Urban Forestry Ordinance and policy questions.

Mike Miller moved to adjourn the meeting of September 14, 1999. Barbara Cartmill seconded. MOTION PASSED UNANIMOUSLY. The meeting adjourned at 9:06 p.m.


Donald Hammang, Chair


Shirley Richardson, Hearings Reporter

AGENDA
MILWAUKIE PLANNING COMMISSION
10722 SE Main Street
City Council Chambers
Tuesday, September 14, 1999
6:30 pm

		ACTION REQUIRED
1.0	Call to Order	
2.0	Procedural Questions	
3.0	Information Items - City Council Minutes: (upon approval by Council)	
3.1	August 2, 1999 – Worksession	Information Only
3.2	August 3, 1999 – Regular Session	
4.0	Planning Commission Minutes:	Motion Needed
4.1	July 27, 1999	
4.2	August 10, 1999	
5.0	Public Comment This is an opportunity for the public to comment on any item not on the agenda	
6.0	Public Hearings	Discussion and Motion Needed For These Items
6.1	Applicant: Anthony Harwood Owner: Ken Hoffman Location: 4400 SE International Way Proposal: Remodel an existing building for use as a restaurant/sports bar. File Numbers: CU-99-02/TPR-99-02 NDA: Business Industrial/Lake Road (neighboring) Staff Person: John Gessner	
6.2	This application was previously heard by the Commission on 8/10/99 Applicant: City of Milwaukie Owner: N/A Location: N/A Proposal: Amend the Zoning Ordinance to add Section 1500 – Boundary Changes to allow for future annexations, consistent with Oregon Revised Statutes and Metro Code. File Numbers: ZA-99-01 NDA: ALL Staff Person: Alice Rouyer	
7.0	Worksession - None	
8.0	Discussion Items This is an opportunity for comment or discussion by the Planning Commission for items not on the agenda.	Review and Decision
9.0	Old Business	
10.0	Other Business/Updates Matters from the Planning Director:	Information Only Review and Comment
10.1	-Title 3 – Joint CC/PC Worksession	
10.2	-Clackamas County Conference on Growth – Friday, October 15, 1999	
10.3	-Meeting Calendar	

11.0	Next Meeting: September 25, 1999 - Worksession	
11.1	Worksession to discuss 1996 Draft Urban Forestry Ordinance and policy questions. The above items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.	

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

Milwaukie Planning Commission 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

Public Hearing Procedure

1. **STAFF REPORT.** EACH HEARING STARTS WITH A BRIEF REVIEW OF THE STAFF REPORT BY STAFF. THE REPORT LISTS THE CRITERIA FOR THE LAND USE ACTION BEING CONSIDERED, AS WELL AS A RECOMMENDED DECISION WITH REASONS FOR THAT RECOMMENDATION.
2. **CORRESPONDENCE.** THE STAFF REPORT IS FOLLOWED BY ANY VERBAL OR WRITTEN CORRESPONDENCE WHICH HAS BEEN RECEIVED SINCE THE COMMISSION WAS PRESENTED WITH ITS PACKETS.
3. **APPLICANT'S PRESENTATION.** WE WILL THEN HAVE THE APPLICANT MAKE A PRESENTATION, FOLLOWED BY:
4. **PUBLIC TESTIMONY IN SUPPORT.** TESTIMONY FROM THOSE IN FAVOR OF THE APPLICATION.
5. **COMMENTS OR QUESTIONS.** COMMENTS OR QUESTIONS FROM INTERESTED PERSONS WHO ARE NEITHER IN FAVOR NOR OPPOSED TO THE APPLICATION.
6. **PUBLIC TESTIMONY IN OPPOSITION.** WE WILL THEN TAKE TESTIMONY FROM THOSE IN OPPOSITION TO THE APPLICATION.
7. **QUESTIONS FROM COMMISSIONERS.** WHEN YOU TESTIFY, WE WILL ASK YOU TO COME TO THE FRONT PODIUM AND GIVE YOUR NAME AND ADDRESS FOR THE RECORDED MINUTES. PLEASE REMAIN AT THE PODIUM UNTIL THE CHAIR PERSON HAS ASKED IF THERE ARE ANY QUESTIONS FOR YOU FROM THE COMMISSIONERS.
8. **REBUTTAL TESTIMONY FROM APPLICANT.** AFTER ALL TESTIMONY, WE WILL TAKE REBUTTAL TESTIMONY FROM THE APPLICANT.
9. **CLOSING OF PUBLIC HEARING.** THE CHAIR PERSON WILL CLOSE THE PUBLIC PORTION OF THE HEARING. WE WILL THEN ENTER INTO DELIBERATION AMONG THE PLANNING COMMISSIONERS. FROM THIS POINT IN THE HEARING WE WILL NOT RECEIVE ANY ADDITIONAL TESTIMONY FROM THE AUDIENCE, BUT WE MAY ASK QUESTIONS OF ANYONE WHO HAS TESTIFIED.
10. **COMMISSION DISCUSSION/ACTION.** IT IS OUR INTENTION TO MAKE A DECISION THIS EVENING ON EACH ISSUE BEFORE US. DECISIONS OF THE PLANNING COMMISSION MAY BE APPEALED TO THE CITY COUNCIL. IF YOU DESIRE TO APPEAL A DECISION, PLEASE CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT DURING NORMAL OFFICE HOURS FOR INFORMATION ON THE PROCEDURES AND FEES INVOLVED.

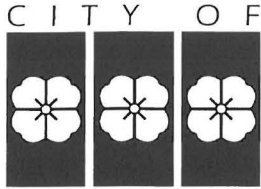
The Planning Commission's decision on these matters may be subject to further review or may be appealed to the City Council. For further information, contact the Milwaukie Planning Department office at 786-7600.

Milwaukie Planning Commission:

Donald Hammang, Chair
Judith Borden, Vice Chair
Barbara Cartmill
Tracy Cook
Mike Miller
Doug Ouderkirk
Howard Steward

Community Development Department Staff:

Martha Bennett, Community Development Director
Alice Rouyer, Planning Director
John Gessner, Associate Planner
Vacant Position, Assistant Planner
Jeanne Garst, Office Assistant
Marcia Hamley, Office Assistant
Shirley Richardson, Hearings Reporter



COMMUNITY DEVELOPMENT
6101 SE JOHNSON CREEK BLVD.
MILWAUKIE, OREGON 97206

PHONE: (503) 786-7650
FAX: (503) 774-8236

MILWAUKIE

Application Information

Revised: 9/2/99

The following information is being provided to inform you of land use actions being processed by the Planning Department. If you have questions concerning any of these applications you can contact the affected NDA, or Planning Department staff at 786-7630.

<p>AFFECTED NDA: APPLICANT/LOCATION: FILE TYPE/NUMBER: SUBMITTAL DATE: DESCRIPTION OF ACTION:</p> <p><i>PROPOSED HEARING or APPROVAL DATE</i></p>	<p>Ardenwald Howard Thompson / 3406 SE Olsen Street Minor Land Partition/Non-Conforming Use - MLP-98-06/NCU-98-04 10/9/98 Partition .80 acres into three lots. Existing house will remain on one lot. A new single family home will be constructed on one of the other lots. A non-conforming use exists on this property.</p> <p>PC – 1/12/99 – 4/27/99 – 5/11/99 – 8/10/99</p>
<p>AFFECTED NDA: APPLICANT/LOCATION: FILE TYPE/NUMBER: SUBMITTAL DATE: DESCRIPTION OF ACTION:</p> <p><i>PROPOSED HEARING or APPROVAL DATE</i></p>	<p>Lewelling William J. Hoesly / 5515 SE King Road Subdivision/S-98-04 – Variance/VR-98-14 11/16/98 Applicant is proposing to create a 5-lot subdivision on 1± acre, and is requesting lot width variances for access and for two lots.</p> <p>PC – 7/13/99 [Applicant has requested this be continued to another meeting]</p>
<p>AFFECTED NDA: APPLICANT/LOCATION: FILE TYPE/NUMBER: SUBMITTAL DATE: DESCRIPTION OF ACTION:</p> <p><i>PROPOSED HEARING or APPROVAL DATE</i></p>	<p>Business Industrial – Neighboring: Lake Road Terry Hegar / 11551 SE 37th Natural Resource Review/NR-98-08 11/23/98 To fill and grade site so that it can be sold as a buildable lot. No construction is proposed at this time.</p> <p>PC – (incomplete as of this date)</p>
<p>AFFECTED NDA: APPLICANT/LOCATION: FILE TYPE/NUMBER: SUBMITTAL DATE: DESCRIPTION OF ACTION:</p> <p><i>PROPOSED HEARING or APPROVAL DATE</i></p>	<p>Linwood Roland and Kathleen Morris / 10621 SE Home Lot Line Adjustment/LLA-99-01 – Variance/VR-99-03 5/7/99 Lot Line Adjustment to re-orient lot lines from N-S to E-W; and a Variance to adjust lot size.</p> <p>Administrative – (incomplete as of this date)</p>
<p>AFFECTED NDA: APPLICANT/LOCATION: FILE TYPE/NUMBER: SUBMITTAL DATE: DESCRIPTION OF ACTION:</p> <p><i>PROPOSED HEARING or APPROVAL DATE</i></p>	<p>Milwaukie Business Industrial – Neighboring: Lake Road Anthony Harwood / 4400 SE Int'l Way Conditional Use/Transportation Plan Review - CU-99-02/TPR-99-02 6/21/99 Remodel existing building for a restaurant/sports bar in the BI Zone</p> <p>PC – 9/8/99 proposed hearing date</p>

<p>AFFECTED NDA: APPLICANT/LOCATION: FILE TYPE/NUMBER: SUBMITTAL DATE: DESCRIPTION OF ACTION:</p> <p><i>PROPOSED HEARING or APPROVAL DATE</i></p>	<p>Lewelling Louisiana Pacific / 4450 SE Johnson Creek Blvd VR-99-05/E-99-01 – Variance/Exception 8/25/99 Requesting a reduction in the number of parking spaces required to facilitate sale of said property.</p> <p>PC - 10/12/99</p>
<p>AFFECTED NDA: APPLICANT/LOCATION: FILE TYPE/NUMBER: SUBMITTAL DATE: DESCRIPTION OF ACTION:</p> <p><i>PROPOSED HEARING or APPROVAL DATE</i></p>	<p>Historic Milwaukie Waverly Country Club / 1500 SE Waverley Drive Lot Line Adjustment – LLA-99-03 8/5/99 Applicant is proposing to take a small portion of a neighboring residential property by way of a Lot Line Adjustment to change the route of Waverley Drive. The purpose of the realignment is to make the entrance into the country club safer for pedestrians and/or golfers using the facility.</p> <p>Administrative – no approval date has been determined.</p>
<p>AFFECTED NDA: APPLICANT/LOCATION: FILE TYPE/NUMBER: SUBMITTAL DATE: DESCRIPTION OF ACTION:</p> <p><i>PROPOSED HEARING or APPROVAL DATE</i></p>	<p>Lewelling Donald and Virginia Seitz / 4591 SE Logus Temporary Structure – TS-99-01 8/11/99 Applicant is requesting approval to live in a 33-foot travel for six months at the rear of their property (1-acre lot). The request is being made so they can live on-site while their home is being rebuilt from a recent fire.</p> <p>Administrative – no approval date has been determined.</p>
<p>AFFECTED NDA: APPLICANT/LOCATION: FILE TYPE/NUMBER: SUBMITTAL DATE: DESCRIPTION OF ACTION:</p> <p><i>PROPOSED HEARING or APPROVAL DATE</i></p>	<p>Linwood Dennis Rood / 6826 SE Plum Home Improvement Exception / HEI-99-02 8/25/99 Addition to house that exceeds maximum coverage.</p> <p>PC – No date determined yet.</p>
<p>AFFECTED NDA: APPLICANT/LOCATION: FILE TYPE/NUMBER: SUBMITTAL DATE: DESCRIPTION OF ACTION:</p> <p><i>PROPOSED HEARING or APPROVAL DATE</i></p>	<p>Lewelling Irene Gardiner / 5027 SE King Road Minor Land Partition/Variance – MLP-99-06/VR-99-04 8/27/99 Two (2) Lot partition and Variance to reduce 30-foot combined flag width to 20 feet.</p> <p>PC – No date determined yet.</p>

PLANNING COMMISSION

SEPTEMBER 1999

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7 PC PACKET	8	9	10	11
12	13	14 Hearings: •CU-99-02 – Harwood •ZA-99-01 – City/Annex	15	16	17	18
19	20	21 PC PACKET	22	23	24	25
26	27	28 Worksessions: •Draft Tree Ordinance	29	30		

CLACKAMAS COUNTY CONFERENCE ON GROWTH

**Mark Your
Calendar
For**

**FRIDAY
OCTOBER 15,
1999**

OCTOBER						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	✱ 15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

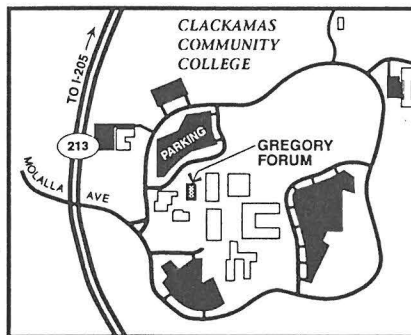
Program Summary

- **Smart Growth, Quality Development, & Sustainable Development:** New ideas for doing more with land and infrastructure we have and on building more complete communities.
- **Concurrency:** A policy initiative that has the goal of assuring infrastructure needs in the community, such as roads, water, and sewer are in place to serve the community before or at the time development occurs.
- **Transportation, Transportation, Transportation:** Post 1999 legislature – how will we get there from here and how will we pay for it?
- **Jobs Housing Balance:** Commute less... How can we bring better jobs closer to where we live.
- **Federal Perspectives on Growth:** What regulations and programs are on the horizon that impact how we plan for our future?

Conference sessions will be broadcast (replay) on cable television.
Conference materials will be available upon request.

Time: 7:30 a.m. - 5:00 p.m.
Place: Gregory Forum
Clackamas Community College
Oregon City
19600 S. Molalla Avenue

RSVP or Information
Business &
Economic Development Services
655-8521





*****MEMORANDUM*****

**PLANNING DEPARTMENT
SEPTEMBER 7, 1999**

TO: PLANNING COMMISSION PACKET RECIPIENTS

FROM: JEANNE GARST, CD OFFICE ASSISTANT

RE: SEPTEMBER 14, 1999 PACKET MATERIALS

Materials for Agenda Item 6.2 - Zoning Ordinance Amendments, are not available at the time of packet distribution. These materials will be sent out to you as soon as they are available, which should be by the end of the week. Thank you for your patience in receiving this portion of your packet late. If you have any questions concerning this agenda item you can contact me at 786-7655 or Alice Rouyer at 786-7654.



TO: Planning Commission

THROUGH: Alice Rouyer, Planning Director *AR*

FROM: John Gessner, Associate Planner *JG*

SUBJECT: CU-99-02 & TPR-99-02 Anthony Harwood d.b.a. Jo's Saloon. Limited Use More than 25% of Building in the BI Zone.

Applicant: Anthony Harwood

REPORT DATE: September 1, 1999

HEARING DATE: September 14, 1999

ACTION REQUESTED

Approve applications CU-99-02 and TPR-99-02 authorizing minor addition and occupancy of 4400 SE International Way by a restaurant & tavern and adopt the staff recommended Findings and Conditions of Approval.

BACKGROUND

Statistics

Location: 4400 SE International Way
See Exhibit 1-Vicinity Map

NDA: Milwaukie Business Industrial

Zone: Business Industrial-BI

Lot size: 1.17 acres

Map & Tax Lot 12E31C Lot 00725

Summary Project Description

The applicant is proposing to locate "Jo's Saloon", a restaurant and bar, at the former Clackamas Federal Credit Union building. The proposal also calls for use of an outdoor deck. The site is located north of Route 224 and is bounded on the east by J.C. Penny Credit, the west by the Pear Bureau Northwest, and the north by International Way. See Exhibit 2-Site Plan.

The use includes table and bar seating, video gambling, large screen TV's, and pool tables. Proposed site improvements include parking lot striping and a 200 square foot addition to be constructed within the footprint of the existing drive-through canopy to house a refrigerator/freezer unit.

A portion of the rear yard approximately 45 to 50 feet deep along the rear property line adjacent to Rte. 224 is outside of the applicant's lease area. This area is now graveled.

A summary table follows:

meals served	breakfast, lunch, dinner
hours of operation	7:00a.m. to 1:00 a.m.
# of table seats	58
# of bar seats	20 (stand-up tables & rail)
# of video poker seats	5
deck seating	(to be specified)
hours of deck use	daylight only
# of employees in largest shift	5
# of parking spaces	31 plus

Site History

In 1990 the Planning Commission granted conditional use approval (CU-90-02) to the Clackamas Federal Credit Union for construction of a 3,536 square foot retail banking office. Subsequent approvals were granted in 1997 for installation of an ATM, additional drive-up window, 460 square foot addition, and construction of additional parking. The addition was not constructed. Some parking improvements were made, but landscaping and other required improvements have not. The site does not presently comply with zoning requirements for parking and landscaping. Staff recommendations include conditions of approval that require improvements to bring the site into conformance with parking and landscaping requirements.

ANALYSIS

Zoning Authority

The BI zone promotes employee intensive industrial and office uses and allows certain "limited uses" that support the zone's primary uses. Milwaukie Zoning Ordinance (MZO) Section 324.4 describes "limited uses" as those that service the needs of the BI Zone clients, employees and businesses as opposed to the general public. Restaurants that provide at least breakfast or lunch meals are permitted limited uses.

Limited uses are subject to restrictions and conditions found in MZO Section 324.4.B. Any limited use that exceeds 25% of the building's floor area requires conditional use approval. The proposal calls for use of all the floor area of the

building for the restaurant and bar. Accordingly it requires conditional use approval.

The use is subject to the following sections of the zoning ordinance.

Section 324.5 Limited Uses in the BI Zone. Limited uses are those that that primarily serve the needs of the BI Zone, clients, employees, and businesses, as opposed to the general public.

Section 602.6 -High Impact Commercial Uses. Drinking establishments are classified as "high impact commercial uses" and are to subject to criteria that reduce potential adverse impacts on neighboring properties.

Section 1400-Transportation Planning, Design Standards, and Procedures. These regulations require improvements that promote pedestrian and bicycle access and ensures adequate transportation oriented site development.

Conformance with Section 324.5- Conditional Uses in the BI Zone

Conditional uses are subject to the following.

The proposed use...

1. **will have minimal adverse impact on the appropriate development of outright permitted uses on abutting properties and the surrounding area considering location, size, design, and operating characteristics of the use;**

Applicant's Response

- "a. The site is an existing building to which no changes will be made regarding location or size.
- b. Exterior changes will consist primarily of signage and necessary maintenance.
- c. The operating characteristics of the proposed use are symbiotic to the adjoining properties. A full service restaurant will provide additional options to the existing limited choices now present in the immediate area. In addition, the relaxed atmosphere of a sports bar is conducive to after work camaraderie. The Saloon also has the capacity to provide areas and equipment for off site training sessions, sales meetings, safety meetings, etc, with large screen televisions and video recorders available for use."

Staff Response

The surrounding area in the BI zone is fully developed and adjoining buildings are occupied. No adverse impacts to the operation of permitted uses are expected.

2. **is compatible with the character and scale of uses allowed within the district and on a site no larger than necessary for the use and operational requirements of the use;**

Applicant's Response

"The proposal is compatible with the character and scale of the uses allowed within the district. The proposed restaurant can accommodate larger groups of industrial and clerical workers simultaneously. No currently existing locale offs this possibility.

This proposal is on a site no larger than necessary for the proposed use and the operational requirements of the proposed use. The restaurant and sports bar will more efficiently use the space than did the previous occupant.

The redwood deck will have picnic tables and benches for outdoor dining with weather permitting."

Staff Response

This criterion does not apply since the site is already developed. Prior land use approvals for the site include findings that existing site development meets this criterion.

3. **will provide vehicular and pedestrian access, circulation, parking, and loading areas which are compatible with uses on the same site or adjacent sites; and**

Applicant's Response

"This proposal will use the existing vehicular pedestrian accesses. The proposed use will generate fewer trips per thousand than the prior use of the building. The site already provides excellent pedestrian access, with the sidewalks and bicycle racks currently in place.

The proposed use, as a full service restaurant, will also be able to provide dining to the employees of the adjoining properties within walking distance.

The current site provides 47 parking spaces, with two ADA spaces including van access. The area previously used as a drive-through banking station will become the delivery zone for the restaurant."

Staff Response.

Site access and circulation will not substantially differ from previous use. Prior land use approvals for the site include findings that existing site development meets this criterion.

4. **is a needed service/product in the district, considering the mix of potential clientele and the need to maintain high-quality development in a highly visible area.**

Applicant's Response

"This proposal is a needed service as The Saloon, this restaurant will offer a safe, clean, relaxed atmosphere unlike anything available in the immediate area. The proposed use will offer pizza, (dine in and/or take out), hamburgers, nachos, broasted chicken, deli sandwiches (hot and cold), soups, salads, and breakfast.

Jo's Saloon is a respected and successful sports bar known for good food and community involvement. We are very active and supportive of the metro sports leagues and Clackamas County Special Olympics.

Furthermore, Jo's Saloon, at it's current location, is recognized by Clackamas County Health Department as the cleanest of all restaurants of that size in the county. Jo's Saloon has received minimum scores of 96% on all inspections for the last five years, and in addition, has received a perfect 100% twice!

This proposed use would appeal to a broad client base. We now serve a large portion of the industrial park at our current location. At this proposed location, we will be better able to serve the people who work at the industrial park and live close by.

This proposal as a full service restaurant for this site is unique because Jo's Saloon is not just a dine in restaurant. A large portion of the square footage is devoted to indoor sports and activities. At the current location, we have four regulation pool tables, five electronic English Mark Dart boards, three pin ball games, three video golf games (each offering 54 different holes) a shuffleshot, foosball table, video soccer, and all lottery games. This proposal intends to replicate the current atmosphere. In doing so, the proposal will provide an entertaining and fun atmosphere that will appeal to broad base.

We are asking conditional use approval to use the entire 3536-sq.footage as a full service restaurant and sports bar. Approximately 45% of the floor space is devoted to large screen televisions, electronic games, and pool tables. Therefore, the consideration for the entire space as a restaurant is also a request to provide space devoted to entertaining and social atmosphere where everyone is welcome."

Staff Response

The need for the use has not been specifically assessed. However, it is noted that the BI Zone now has two daytime eating places. While the number of daytime and nighttime employees are not known, it is expected that the BI zone hosts a significant number of employees.

Conformance with Section 602.6 High Impact Commercial Uses

In considering a conditional use application for a high-impact commercial use, the Planning Commission shall consider the following:

A. Nearness to dwellings, churches, hospitals, or other uses which require a quiet environment.

Staff response

Commercial uses and Route 224 surround the site. The nearest homes are located 300 feet to the south across Route 224. It is believed that late night parking and outdoor activity may have the potential to create disturbances to the residential area to the south. The risk of disturbances is thought to be slight because of distance and buffers.

B. Building entrances, lighting, exterior signs, and other features which could generate or be conducive to noise or other disturbance for adjoining uses.

Staff Response

The nearby adjoining uses are JC Penny Credit offices, the Pear Bureau Northwest. No change to the existing structure is proposed. The potential for disturbance to these uses is minimal based on commercial use, building location and configuration. Potential use of to the JC Penny site may result from overflow parking if on-site parking for Jo's Saloon is inadequate. 35 parking spaces are required for the restaurant. The building will accommodate approximately 80 patrons at full occupancy. The outdoor deck can accommodate additional seating. Staff recommends that additional parking not be required for the deck unless experience indicates the need. In the event there are overflow-parking problems the application can be brought back to the Commission for reconsideration of the conditional use under MZO Section 601.

C. Parking vehicles and pedestrian access and circulation could contribute to noise or attract habitual assembly or unruly persons.

Staff Response

Parking lots of restaurants and drinking establishments are characteristically vulnerable to disturbances associated with alcohol affected behavior. There is potential for this sort of activity. Given the

site's distance from residential areas, it is less likely that this activity would regularly impact residential properties.

D. Hours of operation.

Staff Response

The applicant has indicated hours will be 7:00 a.m. to 1:00 a.m.

E In addition to consideration of the above with respect to building and site design, the Planning Commission may attach conditions or standards of performance and impact, and methods for monitoring and evaluating these, to insure that such establishments do not become unduly or unnecessarily disruptive.

Staff Response.

See recommended conditions of approval.

Conformance with Section 1400-Transportation Planning Design Standards, and Procedures.

The proposal is subject to review standards for projects where the cost of improvements is less than 50% of the value of land and improvements. For these types of projects, up to 10% of the cost of improvements must be applied to complying with design requirements of Section 1400. Emphasis is given to pedestrian and bicycle access and bicycle parking. Pedestrian access is to be improved by striping walkways within the parking area. Walkways to the JC Penny site and the sidewalk in the right-of-way (in front of the building) have already been constructed and a bicycle rack has already been installed. The site generally meets the intent of the Section 1400 for pedestrian and bicycle access. Section 1400 also requires conformance with Section 500-Offstreet Parking and Loading. The site does not now meet requirements of Section 500, but will if recommended conditions of approval are adopted. See related comments below.

Conformance with Section 500-Offstreet Loading and Parking.

Section 500 specifies requirements for minimum required parking and landscaping. 36 parking spaces for the restaurant are required. The site plan submitted for approval shows 33 spaces. There is sufficient paved area on the site to accommodate parking requirements. The site does not conform with landscape buffer and planting requirements. Staff has recommended conditions parking and landscaping improvements to bring the site into conformance with Section 500.

Conformance with the Milwaukie Sign Ordinance

Jo's Saloon CU-99-02 & TPR-99-02
 September 1, 19999
 page 8 of 11

Milwaukie Municipal Code 14.08.090 requires signs for conditional uses be reviewed by the Planning Commission (for size, height, location) at the time the conditional use is reviewed. Conditional use signage is limited to the following.

- a. 1 monument or freestanding sign with a per display area limit of 16 square feet, maximum height of six feet; and
- b. one wall sign not to exceed 16 square feet; and
- c. one daily display sign not to exceed 12 square feet.

A signage plan has not been received as of the time this report was prepared. The applicant is expected to submit a plan prior to the public hearing. If no signage plan is submitted, the applicant will be required to return to the Commission for review of the proposed sign at a future date.

COMMENTS

NDA: Lake Road:

"Good Idea, Good Location, Good Luck". Comments of Paul Hawkins, Lake Road NDA Land Use Committee, August 28, 1999

See also Exhibit 3, Letter of Forris Frick, Lake Road NDA Land Use Committee Chair, August 28, 1999

Milwaukie Business Industrial: There is no current membership representing Milwaukie Business Industrial NDA. .

Public Works: Comments of Paul Roeger, P.E., Civil Engineer

International Way is an existing 40-foot curb street with sidewalk within a 60-foot right-of-way. No additional frontage improvements are anticipated. However, any damaged sidewalk or driveway approaches must be repaired to City standards. The site has two driveways, one for ingress and one for egress.

The existing building is served by City water. If the new use requires a larger meter, the City will charge the difference between the existing meter size and the new meter size to replace the meter, along with the full cost of replacing the service line, if necessary. Additional system development charges (SDC's) will be assessed based on the number of plumbing fixtures added. A full plumbing plan must be submitted for review with the building permit application, including the fixtures being removed.

The existing building is served by City sanitary sewer. Additional system development charges (SDC's) will be assessed based on the number of plumbing fixtures added. A full plumbing plan must be submitted for

Jo's Saloon CU-99-02 & TPR-99-02

September 1, 19999

page 9 of 11

review with the building permit application, including the fixtures being removed. A grease trap may be required for this restaurant.

The site has existing storm drainage facilities, including inverted siphon catch basins for the parking lot and roof drains connected to the City storm system in International Way. A permit (98-079) was issued in 1998 for increasing the parking lot size, but has never been completed. This project must be completed before occupancy can be approved for the restaurant. No additional impervious surface is proposed for this change of use, therefore, no additional SDC's for storm water are anticipated.

No additional Transportation SDC is anticipated. The previous use (bank) generated 156.48 trips per 1000 square feet and the proposed use (restaurant) generates 130.34 trips per 1000 square feet per the "Trip Generation" handbook from the Institute of Transportation Engineers.

RECOMMENDED FINDINGS IN SUPPORT OF APPROVAL

1. The conditional use and transportation planning applications have been processed in accordance with applicable laws.
2. The proposed restaurant meets conditional use criteria of MZO Section 324.5 or limited uses in the BI zone.
3. As conditioned, the proposed restaurant meets conditional use criteria of MZO Section 602.6 for High Impact Commercial Use.
4. As conditioned the application meets the design criteria of MZO Section 500-Offstreet Parking and Loading.
5. As conditioned the application meets the design criteria of MZO Section 1400-Transportation Planning, Design Standards, and Procedures.

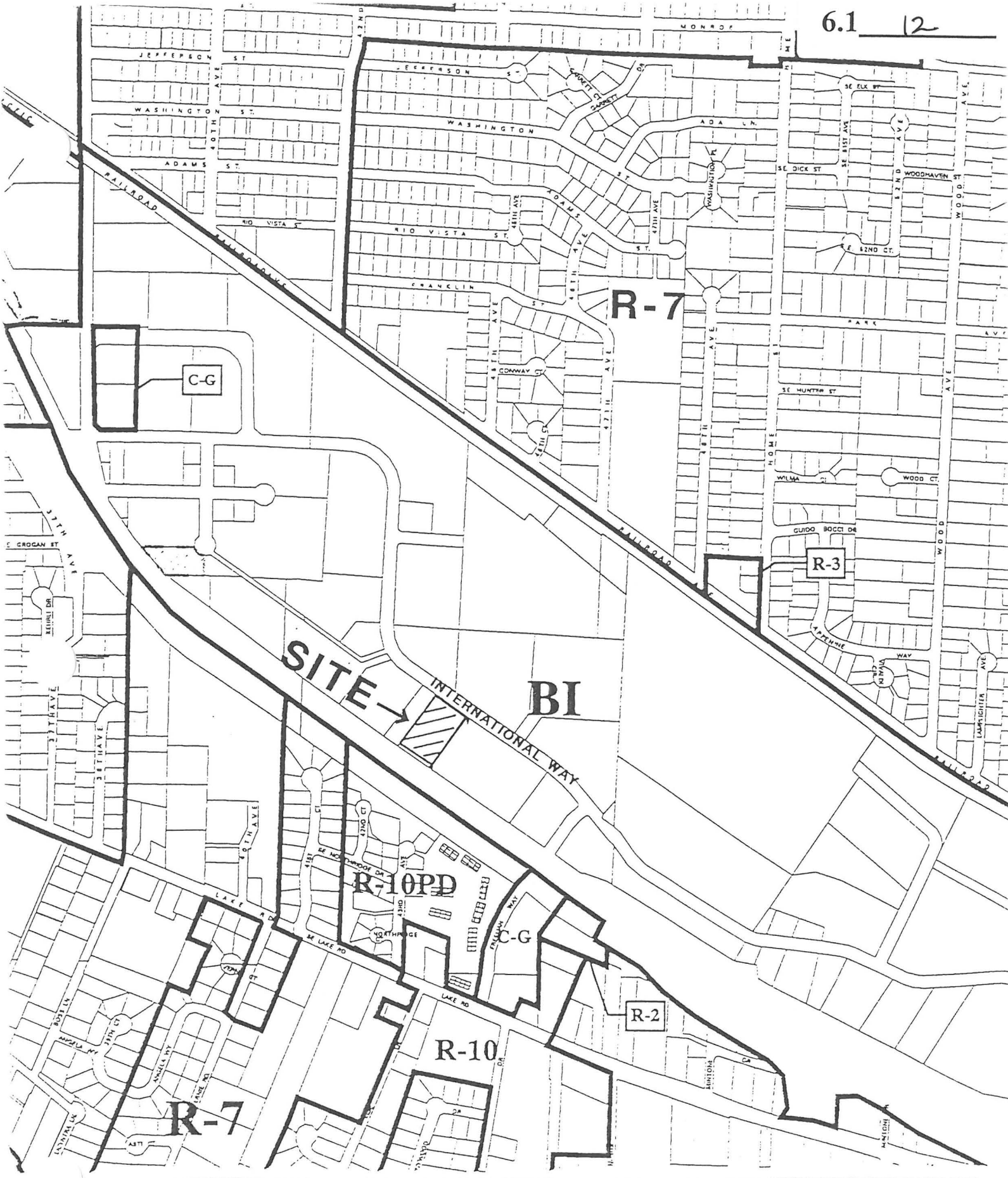
RECOMMENDED CONDITIONS OF APPROVAL

1. Prior to building permit application, the site plan shall be revised to indicate all improvements required to bring the site into conformance with parking and landscaping requirements of MZO Section 500 including but not limited to striping, wheel blocks, number of parking spaces, removal of existing light standards that obstruct parking spaces, asphalt repair, required perimeter landscape buffers, islands, curbing, trees and plants.
2. Prior to the issuance of certificate of occupancy or final inspections as applicable, parking and landscaping improvements shall be completed.
3. Prior to building permit issuance, dimensioned architectural elevations and floor plans showing all proposed changes, seating plans, and interior uses

- shall be submitted subject to the review and approval of the Planning Director.
4. Characteristics of the restaurant described below shall not be modified without prior review by the Planning Director for determination of consistency with this approval. Any modification deemed inconsistent with this approval shall require reconsideration by the Planning Commission.
 - a. Meals served: breakfast, lunch, and dinner
 - b. Maximum number of bar seats: 8
 - c. Hours of operation: 7:00 a.m. to 1:00 a.m. A change of closing hours to an earlier time shall not require reconsideration by the Planning Commission.
 - d. Maximum number of video gambling stations: 5 machines
 - e. Minimum number of dining seats: 58. An increase in dining tables and seats will not require reconsideration by the Planning Commission.
 - f. Use of the outdoor seating area: daytime use only.
 5. Problems with, or complaints about overflow parking or off-site disturbances will be forwarded to the Planning Commission for reconsideration of the conditional use pursuant to Section 601.5.
 6. Prior to issuance of a building permit, the OLCC license for "Jo's Saloon" shall be submitted to the Planning Director for determination that the license does not conflict with this approval.
 7. Prior to submission of landscaping and parking plans, the site plan shall be reviewed by the Building Official and Planning Director, for determination of any improvements required in order to provide adequate egress at the existing door on the south side of the Pear Bureau building. (It is apparent that recent excavation associated with expansion of the Credit Union parking lot resulted in unsafe egress conditions for the Pear Bureau building.)
 8. Prior to application for a sign permit, the applicant shall submit plans subject to the review and approval of the Planning Director demonstrating consistency with this approval.
 9. Plumbing plans shall be submitted prior to issuance of a building permit. Additional system development charges may be required. Payment of such charges shall be made at time of submission of a plumbing permit.
 10. Prior to any final inspections and issuance of a certificate of occupancy, all outstanding site improvements required under permit 98-079, if any, shall be completed.

EXHIBITS

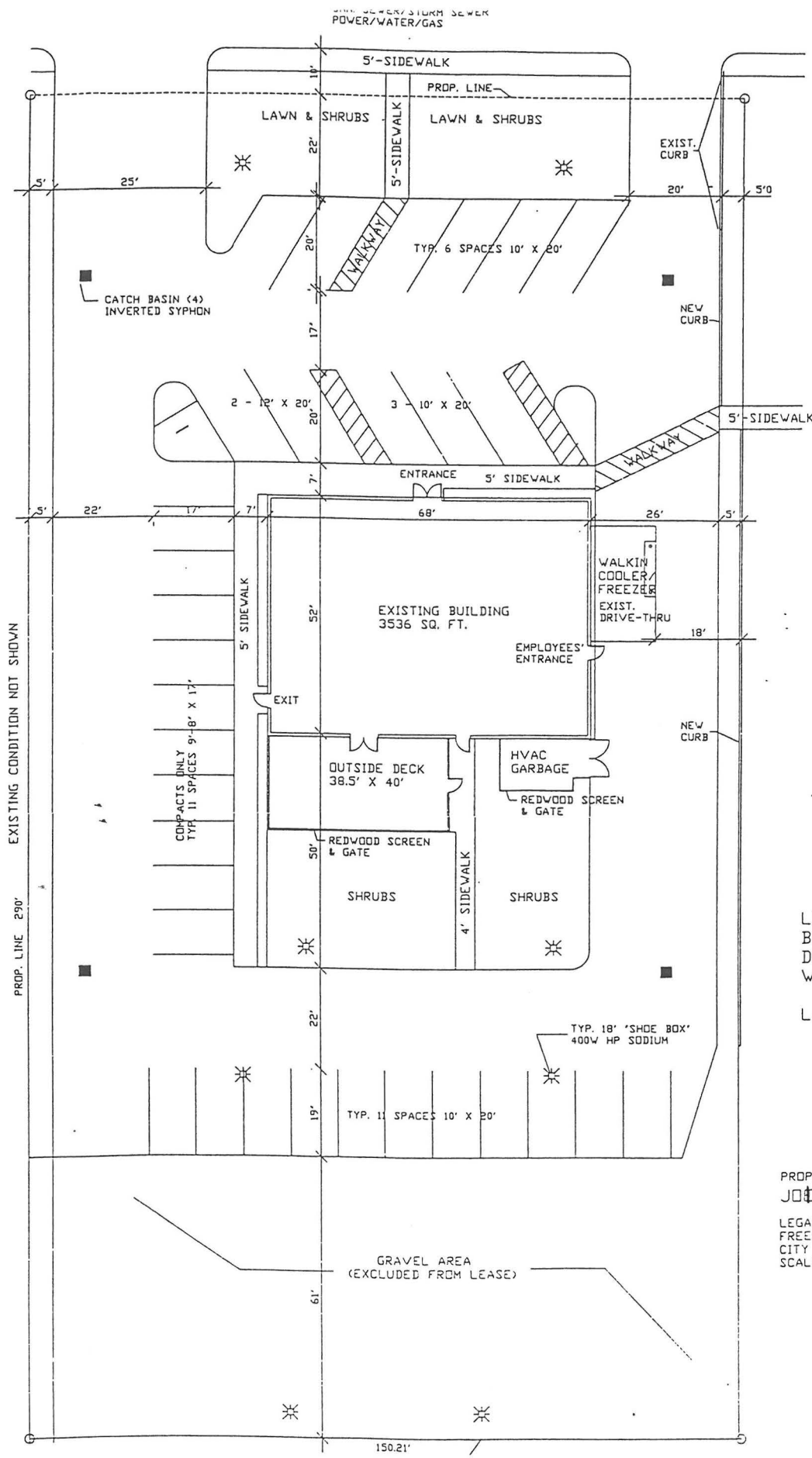
1. Vicinity Map
2. Site Plan Reduction
3. Letter of Forris Frick, Lake Road NDA Land Use Committee Chair, August 28, 1999



City of Milwaukee Community Development Department

Title: Vicinity Map Submitted by: Staff Date: 9/1/99 # Pages: 1
 File Numbers: CU-99-02 / TPR-99-02 Applicant: Anthony Harwood Exhibit #: 1





LOT 43,560
 BLDG 3536
 DECK 1540
 WALKINS 339.5
 LANDSCAPED 7667

PROPOSED SITE FOR:
 JOE'S SALOON
 LEGAL: LOT 4 T1S R2E 31C TAX LOT 725
 FREEMAN INDUSTRIAL PARK
 CITY OF MILWAUKIE, CLACKAMAS CO., OR.
 SCALE: 1" = 10'

August 28, 1999

Community Development
6101 SE Johnson Cr. Blvd.
Milwaukie, OR 97206

Attn: John Gessner

Regarding File CV-99-02/TPR-99-02

Sports Bar at former Clackamas Federal Credit Union Bldg.

To call this a FULL SERVICE RESTAURANT does not in my mind fit the image. A Sports Bar-Saloon, yes. With 45% of the area occupied with TV, presumably large; four pool tables; five electronic dart boards; three pin ball machines; three video golf games;; shuffle shot; foosball; video soccer and "all lottery games. Unless completely shut off from the limited menu (hamburgers, nochos, broasted chicken, sandwiches, soup, salad and unspecified breakfast) this hardly qualifies for a full service restaurant category!!

I presume since this is called a "Saloon" a liquor license will add to the menu. Call it what it will be--A Sports Bar--Saloon, not a FULL SERVICE RESTAURANT.

Forris B. Frick

Forris B. Frick

Land Use Chairman
Lake Road NDA

RECEIVED

AUG 31 1999

PUBLIC WORKS

City of Milwaukie Community Development Department

Title: NDA Letter Submitted by: NDA LUC Date: 9/1/99 # Pages: 1
File Numbers: CU-99-02/TPR-99-02 Applicant: Anthony Harwood Exhibit #: 3

