

CITY OF MILWAUKIE
PLANNING COMMISSION MINUTES
TUESDAY, NOVEMBER 9, 1999

COMMISSIONERS PRESENT

Donald Hammang, Chair
Judith Borden, Vice Chair
Barbara Cartmill
Mike Miller
Dough Ouderkirk
Howard Steward

COMMISSIONERS ABSENT

Tracy Cook

STAFF PRESENT

Alice Rouyer,
Planning Director
John Gessner,
Associate Planner
Doug Strickler,
Associate Planner
Lisa Nasshahn,
Contract Planner
Shirley Richardson,
Hearings Reporter

1.0 CALL TO ORDER

The meeting was called to order at 6:32 p.m.

2.0 PROCEDURAL QUESTIONS

Alice Rouyer reported that the vacations would not be heard tonight. They will be moved to November 23, 1999, or December, 1999.

Alice Rouyer introduced the Lisa Nasshahn, Contract Planner, who has been working with the City temporarily since August. She will be presenting two items tonight. She also introduced Doug Strickler, Associate Planner, who is replacing Janet Wright.

3.0 INFORMATION ITEMS -- City Council Minutes

- 3.1 9/18/99 -- Teambuilding, Mission, and Vision Worksession
- 3.2 9/20/99 -- Worksession
- 3.3 10/4/99 -- Worksession
- 3.4 10/5/99 -- Regular Session

4.0 PLANNING COMMISSION MINUTES -- October 26, 1999

No minutes for approval tonight.

5.0 PUBLIC COMMENT -- None.

6.0 PUBLIC HEARINGS

- 6.1 Applicant: J. Kevin McKinney
Property Owner: EHB - Eye Health Builders
Location: 11086 SE Oak Street
Proposal: To construct a new eye clinic medical office in the
Milwaukie Market Place
File Number: CSC-99-01 and TPR-99-04

Chair Hammang opened the public hearing on File Number CSC-99-01, an action to allow the construction of a new medical office and Transportation Planning Review TPR-99-04. The criteria to be addressed are found in Section 315 and 1400 of the Milwaukie Zoning Ordinance; and Chapter 4-Land Use of the Milwaukie Comprehensive Plan.

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; six 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 handed out copies of comments from the Police, Tri-Met, and the Police Department on this Application. Portions of the site plan were also provided. **John Gessner** reviewed the Staff Report with the Commission. The Applicant proposes to construct an 8,335 square foot medical clinic/office. The site is located at the southeast corner of the Milwaukie Marketplace. Overheads were shown of the subject site and surrounding area.

Minthorn Spring was preserved as a part of the overall development of the Marketplace when the Marketplace was first built. Minthorn Spring drains to the southeast along an open drainage corridor. The Applicant is proposing to protect the Wetland Reserve area by construction barriers.

The site plan shows an area for future expansion of 850 square feet. This expansion is not part of the site plan itself. Excess parking has been provided to accommodate this expansion. The site plan shows how the parking and site access will relate to the adjoining properties.

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There are a number of existing Red Maple trees along 37th Avenue. These are to be protected during construction. Two new street trees are to be planted along the street frontage. The required landscape plantings will be located around the building and parking lot. A dumpster enclosure will be sited at the northeast corner.

A traffic impact analysis was conducted when the Milwaukie Marketplace was constructed to insure that the nearby roadway improvements were adequate to handle the traffic created. A trip generation of 52+ trips per thousand square feet was used to evaluate the entire site. When Garcia and Boyd came in for the dental offices, a supplemental traffic impact analysis was provided to show that the comparative impact of the retail uses that were proposed originally were greater than that proposed for the dental offices.

The Application meets the standards of the Community Commercial Shopping Center Zone and meets the requirements of Section 1400, Transportation Planning Design and Procedures, as well as the parking and landscaping requirements.

The Chief of Police responded that there were no issues. Tri-met indicated that in the event that the City is going to require frontage improvements, they would like to see a handicapped pad for the bus stop across the drive. The City is not requiring frontage improvements in this case, so Staff is not recommending that the pad be provided.

John Gessner handed out revised conditions of approval.

QUESTIONS FROM THE COMMISSIONERS

Chair Hammang stated that the drainage from Minthorn watercourse is a left over natural drainage that may let some water out of the man-made pond area. It is not critical to the habitat across 37th Avenue.

CORRESPONDENCE RECEIVED BY STAFF -- None.

APPLICANT PRESENTATION

Speaking: Kevin McKinney, 1306 Division Street, Oregon City 97045

Mr. McKinney stated that he is one of physicians with Eye Health Northwest and they have been a part of a group that has been in Oregon City for a number of

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years. They have been present in the Milwaukie Marketplace for ten years in a leasing capacity. Because of their commitment to stay in the Milwaukie area and to serve the needs of the people here, they need to expand and would like to build a building. This will service their clinical needs as a medical practice and house administrative needs as a larger organization. Eye Health Northwest has over 20 ophthalmologists spread out over the City. They currently house the administration and would like to keep it with them.

He has read the Staff Report and concurs with the contents. The building is to be set at the back of the site. The purpose is to maintain a pleasant appearance that fits with the general appearance in the area. It is hoped to have the appearance of a medical complex. The main driveway should allow for easy egress and ingress.

The landscaping meets the requirements as set forth by Milwaukie. There are some invasive species (blackberries) growing out of the watercourse and up the slope towards the building. These will be removed by hand and will be left to re-vegetate with natural species.

The building will be brick and painted metal. The entryway, facing toward the Marketplace, has a modest elevation, well within the regulations. The entranceway if facing toward the body of the Marketplace, being part of the overall scheme of the site. The front half of the building will be the clinical practice and the back half will be administrative offices.

QUESTIONS FROM THE COMMISSIONERS

Doug Ouder Kirk complimented Mr. McKinney on his presentation.

Doug Ouder Kirk asked if the catch basin in the back has been sized for the area runoff? **Mr. McKinney** stated that the basin was an adequate size to address the runoff.

Speaking: Steve O'Shea, Giff and Bolty Jergins Architects, 815 SW 2nd Avenue,
Portland

Doug Ouder Kirk asked what the future addition would include? **Mr. O'Shea** stated that it will be a continuation of the clinic area. There may be another physician added in the future.

Mike Miller complimented the Applicant on their efforts to preserve the wetlands. He asked if the trees planted outside the wetland area and is the closest

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point to the wetlands 15 feet? **Mr. O'Shea** stated that the trees are planted well outside the wetland area. He pointed out the setback on the site map. The minimum distance from the wetland area is 12-feet from the building.

Chair Hammang stated that he shares the concern about the average distance from the wetland area. He asked how the extra capacity was calculated for the extra roof-water and road-water? He also asked if the Reed Canary Grass would be removed as it is an invasive plants. **Mr. O'Shea** stated that no new species would be replanted. It would not be left bare, there will be some natural type of plantings so there won't be any erosion.

John Gessner stated that there are four dimensions boundaries shown on the site plan. The closest is the 10-foot wing wall. The next closest is 14'4", 16'8" and 20 feet. The setback is measured from the edge of the mapped wetland reserve. This has not been mapped, so there are no dimensions recorded. The reserve boundary would probably be somewhere on the slope, but definitely below the top of the slope.

John Gessner stated that Public Works has acknowledged that the storm water will be roof and parking lot drainage discharging into the existing sanitary system in Marketplace Drive. **Chair Hammang** stated that in heavy rain there is an existing capacity problem. He is concerned about what additional input will do to capacity. **John Gessner** suggested a condition to assure that the capacity is adequate.

Mike Miller asked if there will be a flat surface behind the building or will the building be built right up to the slope? **John Gessner** pointed out the location of the building on a topographical map. There will be very little flat space behind the building.

Mike Miller asked if all the planting proposed will be on the bank surface down to the waterway under 37th Street?

Speaking: Mike Schwartz, Landscape Architect, 812 NW 17th, Portland

Mr. Schwartz stated that all of the plantings are proposed between the building and the natural resources boundary line. There will be a slope (93) to (91), approximately a two feet drop over an area of ten feet to the natural resource boundary line.

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Chair Hammang asked if the square edge of the slab abutting the top of the slope of the building? **Mr. Schwartz** stated that this will not be the case. Between the edge of the slab and the north boundary of the natural resource area will be all ground-cover plantings. The slope will not exceed 4:1.

Chair Hammang stated that it would be his preference to vegetate the bank all the way down to the water's edge.

John Gessner asked that the Applicant address the signage issue. **Kevin McKinney** stated that the signage is just to indicate who they are and what they do. The wording will be "Eye Health Northwest, Physician and Surgeons." There is a logo that will go beside the writing. There will be a phone number at the bottom of the sign and a short list of services.

TESTIMONY IN FAVOR -- None.

QUESTIONS OR COMMENTS -- None.

TESTIMONY IN OPPOSITION -- None.

ADDITIONAL COMMENTS FROM STAFF

John Gessner read an amendment to Condition 1 to the Commission.

QUESTIONS FOR CLARIFICATIONS -- None.

APPLICANT'S CLOSING COMMENTS -- None.

DELIBERATION AMONG THE COMMISSIONERS

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

Mike Miller stated that he does like the plan. There is more of a landscaped environment for this building than most of the rest of the buildings at the Marketplace. If carried out as proposed, it will be a real asset to the Marketplace. He is concerned about the wetland area and stream protection.

Doug Ouderkirk stated that his concerns with the catch basin have been satisfied. The overall design of the building is very nice.

Howard Steward moved to approve applications CSC-99-01 and TPR-99-04 authorizing construction of an 8,335 square foot medical clinic/office and adopt the staff recommended Findings and Conditions of Approval, with a modification to Condition #1, adding new Condition:

“h. The Planting Plan shall indicate replanting of the slope within the Natural Resource area that is disturbed following removal of invasive plants to be implemented and inspected to the satisfaction of the Planning Director prior to the issuance of any certificate of occupancy.”

Doug Ouderkirk seconded the motion.

Mike Miller moved to amend the main motion to include an amendment to Condition 12:

“12. Plumbing plans shall be submitted to the mutual satisfaction of the Building Official and Public Works Director prior to issuance of a building permit. Storm water capacity shall be reviewed by the Public Works staff prior to issuance of the Plumbing Permit.”

Judith Borden seconded the motion.

Ayes: Hammang, Borden, Cartmill, Miller, Ouderkirk, Steward; Nays: None.
The motion to amend the main motion carried 6-0.

Vote on the main motion: Ayes: Hammang, Borden, Cartmill, Miller, Ouderkirk, Steward; Nays: None. The motion carried 6-0.

6.2 Applicant: Dr. Kenneth and Wan-Fen Chung
Property Owner: Ronald Stroh
Location: 3245 SE Campbell
Proposal: Remodel a 4-plex and modify it to accommodate a dental clinic
File Numbers: CU-99-04; TPR-99-08; and VR-99-06

Chair Hammang opened the public hearing on File Numbers CU-99-04; TPR-99-08; and VR-99-06 to allow the remodeling and modification of a 4-plex to accommodate a dental clinic. The criteria to be addressed are found in Sections 600, 700, and 1400 of the Milwaukie Zoning Ordinance; and Chapter 4-Land Use of the Milwaukie Comprehensive Plan.

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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; six 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

Lisa Nasshahn reviewed the Staff Report with the Commission. The Applicant proposes redevelopment of an existing four-unit dwelling structure to accommodate a dental clinic. The change requires an extensive remodel of and addition to the structure, together with site improvements to comply with current zoning standards. Overheads were shown of the subject site and surrounding area.

The site is on Campbell between Myrtle Street and Oak Street. The Milwaukie Marketplace is across Oak Street. Exterior improvements will consist of new siding, stone or masonry accents and base, new window assemblies and new roofing. Site improvements will include enlarging on-site parking area, providing building entrance, and landscape improvements.

This is a professional office in a residential zone, which is a conditional use in this zone. There are two variances requested; one to reduce by one the number of required parking, and the second is a request to fencing instead of landscaping on the easement between the parking area and adjacent property line.

Staff found several issues of concern:

- Is the use compatible or can it be made compatible with the adjacent residential uses.
- Does the proposal satisfy the goals and policies of the Comprehensive Plan.
- Will the parking reduction in Variance 1 result in any adverse effects on the neighborhood, which cannot be mitigated?
- Will substituting fencing for the landscaping requirement be adequate to provide screening.
- Does the proposal include the features that support access to the site for alternative means of transportation such as walking, transit, or bicycle.

QUESTIONS FROM THE COMMISSIONERS

Mike Miller asked if two driveways are required for this building? **Lisa Nasshahn** stated that because of the configuration of the site, it is a good idea to have two driveways. This is a narrow part of the site and two driveways will allow traffic flow through the site.

Judith Borden asked the nature of the easement. **Lisa Nasshahn** stated that the easement is for access for the adjoining residential use. There is a multi-family structure next door to the site.

CORRESPONDENCE RECEIVED BY STAFF

Lisa Nasshahn reported that correspondence had been received from the neighborhood group. She explained that there was a change in Condition 9 to reflect more flexibility to the Applicant for their operating schedule.

Chair Hammang asked if other businesses of this type were opened during these hours? **Alice Rouyer** stated that this condition was written in a way that did not offer any flexibility in the hours of operation.

APPLICANT PRESENTATION

Speaking: Todd Iselin, Iselin Architects, 615 Main Street, Suite 201, Oregon City
97045

Mr. Iselin complimented Lisa on a very thorough staff report. The site is fairly constrained because of the existing easement. They were unable to get the total number of parking spaces to comply with the City. One alternative was to eliminate or narrow the landscape island by one foot. This is feasible.

The one-way loop through the site was a function of an inadequate turn-around. Three parking spaces would have been lost to construct the turn-around. The impact will not be that great. There is parking along both sides of Campbell Street.

The Applicant is currently operating in the Milwaukie Marketplace and this seems like a good opportunity to stay in this area. This space is needed to upgrade their operation and incorporate the newest technologies into their business.

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Mr. Iselin asked for reconsideration of the condition requiring the removal of the rear deck. This deck was permitted with the original building in 1979. They would like to reduce it by approximately 50%. The site is very tight and they need a second exit out of the upper level. It will not be used frequently, but in case of fire, it will be used for emergencies.

QUESTIONS FROM THE COMMISSIONERS

Doug Ouderkirk asked if an elevator will be installed? **Mr. Iselin** stated that an elevator is planned and pointed it out on the map. The elevator clock tower is the new addition portion. The building will be resided and brickwork added to make it more aesthetically pleasing. Substantial landscaping is planned.

Doug Ouderkirk asked if there are height restrictions? **Lisa Nasshahn** confirmed that there are height restrictions and the proposed construction is within the requirements.

Doug Ouderkirk asked about the occupancy from a residence to an office? **Lisa Nasshahn** stated that it will be changed. **Mr. Iselin** stated that it is a permitted conditional use in this zone.

Chair Hammang asked for clarification on the hours of operation.

Speaking: Kenneth Chung, 10804 SE Oak Street, Milwaukie

Mr. Chung stated that he is one of three dentists at the Oak Street location. There are three other general practitioners and two specialists that have been there since 1990. There are two other locations, one in Oregon City, and one at Sunnyside. All three locations are in Clackamas County. Most of the patients at the Milwaukie office walk along Campbell Street to get to their location.

They are anxious to try to prepare themselves to be able to better serve their patients by pursuing a better facility. Hours of operation have decreased since 1990. They were open from 7:00 a.m. to 9:00 p.m., running two shifts. Hours are designed by access of people who need to see a dentist early in the morning and on Wednesday, they stay open later to catch those coming back from work. Saturday hours have always been popular. They do not envision any changes in the hours of operation.

Doug Ouderkirk stated that his father was a dentist so he understands the reasoning for moving their location. He voiced concern that the stairs encroach into the setback area. How will this be addressed? **Lisa Nasshahn** stated that there is a condition recommending the removal of the existing deck, not allowing the stairway in the rear setback.

Alice Rouyer noted that the Applicant did not apply for this variance. If the Commission were to consider the variance, findings would have to be adopted that are consistent with Section 700 of the Zoning Ordinance.

Chair Hammang asked for clarification of the request to continue the use of the deck. **Mr. Iselin** stated that he would like to have the deck remain as a fire exit. They were under the impression that this would be grandfathered in since it was an existing deck. They did not plan to go back farther into the setbacks. At the time it was constructed, it was in compliance with the code. At the time of application, they were not aware that it was not in compliance.

Lisa Nasshahn stated records were reviewed and at the time of construction there was a 15-foot setback in effect at that time. Building permit files were not found for this four-plex. There was no land use review that allowed the deck to encroach on the setback.

Gary Firestone explained that it was up to the Commission to determine if they will allow the deck since it was part of the construction at the time of building.

Alice Rouyer stated that consideration had been made on the deck and staff found that the stairs did not meet the criteria for a variance. There are alternatives on the site to provide the secondary egress. Consideration should be given to the fact that people out on the deck would be able to look down on the adjacent residential properties. This is an added impact.

Doug Ouderkirk asked if there was a staff requirement for the deck or could it be used only as an exit? **Mr. Iselin** stated that the deck would be a nice break area for staff, but if they could use it for an exit, it would be an acceptable option. There are no alternatives for a secondary exit. The most logical location does not meet the requirements. Anything within the building takes away from treatment rooms and anything outside the building is an addition.

Mike Miller asked staff if the existing deck and stairs conform to the present standards? **Lisa Nasshahn** stated that in discussions with the Applicant, it was

mentioned that there is some rot in the deck and that part of it would be removed. **Mr. Iselin** stated that they were proposing taking half of the deck down.

Chair Hammang asked if staff could draft a condition that would allow the applicant to have a fire exit? **Alice Rouyer** stated that the finding for this variance would be that the fire exit would be the minimum variance necessary to allow the applicant to use his/her property.

Mike Miller asked if the entrance on Campbell Street would be the main entrance? It was mentioned in the staff report that neighborhood parking would be utilized on Myrtle Street. If there is an entrance on Myrtle Street, it will impact the neighborhood by putting more people in the area. He would prefer that the existing turn-around be used to prevent the impact into the neighborhood. **Mr. Iselin** concurred that Campbell Street will be the main entrance. He does not foresee Myrtle being impacted. There is ample parking along Oak and Campbell. He is willing to make the entrance a one-way loop. The present configuration was drafted to discourage traffic flow to Myrtle. They would rather not lose parking spaces by closing off the entrance.

TESTIMONY IN FAVOR -- None.

QUESTIONS OR COMMENTS -- None.

TESTIMONY IN OPPOSITION -- None.

ADDITIONAL COMMENTS FROM STAFF

QUESTIONS FOR CLARIFICATIONS -- None.

APPLICANT'S CLOSING COMMENTS -- None.

DELIBERATION AMONG THE COMMISSIONERS

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

Chair Hammang stated that he felt this proposal is a good use of the building. It looks wonderful to him. He would like to see conditions limiting the applicant to using the deck for an approved code compliant fire exit.

Doug Ouderkirk stated that the way the floor plan is laid out, the fire exit makes the most sense. He would encourage the fire exit at the back.

Howard Steward stated that he has no problem with the dentist stepping out and getting a breath of fresh air. He sees no reason for making the deck smaller.

Doug Ouderkirk moved to approve applications TPR-99-08, CU-99-04, and VR-99-06 authorizing change of use and site modifications to allow conversion of an existing residential structure (four housing units) to a professional office. The property is at 3245 SE Campbell Street. Findings and Conditions of Approval are as noted in the Staff Report, with a new Finding #6:

“6. Variance 3 meets the criteria of Section 700, Variance Exceptions and Home Improvement Exceptions.”

And an amendment to Condition #3:

“3. Prior to any building permit issuance, the applicant shall submit a revised site plan and building plans which show demolition of the rear deck and construction of a 4-foot wide exit landing and second floor egress stairway, meeting the requirements of the Uniform Building Code.”

Mike Miller seconded the motion.

Ayes: Hammang, Borden, Cartmill, Miller, Ouderkirk, Steward; Nays: None.
The motion to approve CU-99-04; TPR-99-08 and VR-99-06 carried 6-0.

6.3 Applicant: John Failor
Property Owner: Jim and Cheryl Arendell
Location: 4140 SE Harrison
Proposal: Convert service station service bays into a convenience store; and continue non-conforming use on the westerly portion of the lot as a parking area.
File Numbers: NCU-99-01; TAR-99-02; and TPR-99-07

Chair Hammang opened the public hearing on File Numbers NCU-99-01; TAR-99-02; and TPR-99-07, an action to convert service station service bays into a convenience store and continue the non-conforming use on the westerly portion of the lot as a parking area. The criteria to be addressed are found in Section 400, 800, and 1400 of the Milwaukie Zoning Ordinance; and Chapter 4 – Land Use of the Milwaukie Comprehensive Plan.

Chair Hammang asked if there were any conflicts of interest or ex-parte contacts to declare? **Mike Miller** stated that he has been a gasoline customer at this station for the last fifteen years. He does not feel this will have any bearing on his decision tonight. There were no other conflicts of interest or ex-parte contacts declared. He asked if any member of the Planning Commission visited the site; six 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

Lisa Nasshahn reviewed the Staff Report with the Commission. The Applicant proposes a change of use from auto service to a convenience store and an addition to the existing building on the site. There are lubrication service bays in the existing building that will be redeveloped to allow the building to accommodate a convenience store. Overheads were shown of the subject site and surrounding area.

The fact that this redevelopment triggers the Transportation Planning Review process. The site has split zoning. The building and the commercial use will be located on the part of the site that is zoned C-G. The parking for the use is located in the residential zone, R-2. Because parking is a non-conforming use in a residential zone, it is subject to Non-conforming Use Review. Because of the residential zoning on both sides, Transition Area Review came into effect.

The site is located at the Southwest corner of 42nd and Harrison. This is a commercial use among residential uses. There is no landscaping existing on the site now. The Applicants are proposing a landscape buffer on the portion of the site that would include a chain-link fence with final slate, trees and Laurel hedging, in a six-foot area to buffer the parking area from the residential use.

No landscaping is proposed to buffer the residential use on the other side. Staff recommends approval. The existing canopy is in violation of the existing front setback. However, it is existing and there are no changes proposed.

Key issues for consideration:

- Will the proposal result in increased detriment to the neighborhood?
- Can modifications be made to the proposal so that any detriment that might happen can be mitigated?

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- Are there features in the proposal that include access to alternative modes of transportation, pedestrians, bicyclists, or transit riders?
- Does the proposal include a transition measure to minimize the impact on the adjacent residential uses?

Staff recommends approval of the applications with the conditions as noted in the staff report.

In the transportation planning chapter there is a provision to allow for up to 10% of the value of the project to go to transportation improvements. The major priority is pedestrian improvements. Staff recommends adding a walkway from the front of the building to Harrison Street and a walkway to 42nd Street to allow pedestrian safe access to the convenience store from either street.

Staff is also requesting that one of the curb cuts be closed. There is a four-way stop at this intersection and it would be safer to close the 42nd Avenue curb cut at this location. This will decrease the possibility of traffic coming in from 42nd to get to the parking area, cutting through the service canopy and cause conflicts with automobiles trying to get gasoline. A parking strip could be constructed in this area.

QUESTIONS FROM THE COMMISSIONERS

Chair Hammang asked if the definition of site-obscuring fence in the staff report would stop the glare of headlights? **Alice Rouyer** stated that the applicant is proposing a link fence with vinyl slats. This complies with the requirements of a site-obscuring fence. This fence, combined with vegetation that will eventually grow up, will prevent headlight glare.

Mike Miller asked if the fence on Harrison Street can be only 4-feet high and 20 feet back from the street? **Alice Rouyer** said, yes; however, the fence can be higher.

Chair Hammang voiced concern that the slatted fence will not be sufficiently obscuring. He asked what is meant by "as built" fence on the south side? **Lisa Nasshahn** stated that there is no fence on the south side and there is no existing vegetation. Staff is recommending that a site-obscuring fence be run along the residential zoned portion of the site. The parking area will have to be in compliance with Section 500, Parking and Loading of the Milwaukie Zoning Ordinance.

Mike Miller asked if the south corner of the property next to 42nd Street would remain open? **Lisa Nasshahn** stated that staff is not recommending that this area be closed. Suggestions were made to remove three parking spaces and replace them with landscape.

Discussion followed on traffic patterns for the use. There is potential for a stack up of cars on this site. **Lisa Nasshahn** stated that this is why the pedestrian issues rose to the top of the priority list. There will be pedestrians accessing the site to use the convenience store. Getting them to and from the site safely is a high priority. **Chair Hammang** expressed concern about the people who are leaving the lot and causing traffic problems on the site.

Alice Rouyer reported that the closure of the curb cut would allow safe entrance to the store right at the corner. The parking on the far north will allow for safe entrance onto the site. There are two curb cuts on the far south that would be eliminated and landscaping added. The goal is to recommend some measures that would improve the conditions that are there today.

Mike Miller asked where the entrance of the convenience store is located? **Lisa Nasshahn** pointed out the entrance on the site map. She also pointed out where the landscape buffer, pedestrian walkway, and park strip could be sited.

Doug Ouderkirk asked how many customers are served each day? **Lisa Nasshahn** stated that the current usage is about 300 customers a day to the site. The convenience store use will result in less traffic to the site. Staff does not have a verified number.

Doug Ouderkirk asked if the extension off the back was for a freezer? **Lisa Nasshahn** stated that the applicant would respond to that question.

CORRESPONDENCE -- None.

APPLICANT PRESENTATION

Speaking: John Failor, Ming Hannen Construction, 5906 SE 122, Portland

Mr. Failor stated that he grew up in Milwaukie and has been here 45 plus years. This site has been a store since 1965. The present owners took over the operation

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in 1979. They purchased the property and franchise in 1985. They have been there for 14 years.

The transferring of use is brought about by increased liability of automobile mechanics and the increased complexity of automobiles. Other mechanics are also going out of business and opening convenience stores.

Specifically their main focus is to qualify to keep existing non-conformance. This is no more detriment than what exists now. They want to improve on the situation; adding landscaping and buffers and increasing pedestrian traffic in a safe manner.

After reading the staff report, the owners are concerned about closing off the one access. Losing one would be better than losing both curb cuts. There is a lot of traffic to the site and the exits are relied on to get traffic out. When traffic is backed up to the street, drivers keep on going. They do not block traffic.

Convenience stores get 90+% of their customers from traffic off the street. A large percent is walk-in traffic from the neighborhood. There should be very little traffic impact difference from what exists now.

Another issue concerns getting the tanker trucks in and out of the site. Harrison Street is the preferred truck route. This station is presently selling about 135,000 gallons of gas a month. Tankers are brought in every other day. These trucks have requirements that they cannot be sticking out in the street when they are unloading and they always have to be parked in a position where they can pull forward to get out. The applicant is asking for a variance in the transition of the residential portion of the lot. They would like to continue to use the site as they have in the past and are willing to make any modifications they can to come to an agreement.

QUESTIONS FROM THE COMMISSIONERS

Chair Hammang stated that he feels a convenience store generates more store traffic than gas traffic. He voiced concern about a type of fencing that would not allow lights into the neighborhood. He does not think the slat fencing is appropriate. **Mr. Failor** stated that some neighborhoods ask for a more solid fence, but they have always leaned toward the more durable products.

Chair Hammang asked if there are pre-cast panels or other hybrid materials that could be used for the fencing? **Mr. Failor** stated that the material has to have a

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wind flow factor. There is a possibility of using a wood fence with overlapping slats. The current owners own the house next door.

Doug Ouderkirk asked if the addition would be used for a freezer/cooler? **Mr. Failor** pointed out the area where the freezer will be located. The addition will be for utilities and restrooms.

Mike Miller asked if there are plans for a back entrance? **Mr. Failor** stated that there is an emergency exit that goes out of the building. The design of these types of buildings tend to not have back entrances because of theft. They are usually alarmed and used only for emergencies.

TESTIMONY IN FAVOR -- None.

QUESTIONS OR COMMENTS -- None.

TESTIMONY IN OPPOSITION -- None.

ADDITIONAL COMMENTS FROM STAFF -- None.

CLARIFICATION QUESTIONS OF STAFF

Judith Borden asked how wide are the slats for the fence proposed and how much space is between the slats? **Mr. Failor** explained the different types of slats that he has used in the past.

APPLICANT'S CLOSING COMMENTS -- None.

DELIBERATION AMONG COMMISSIONERS

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

Chair Hammang stated that he has several concerns:

- Trip generation
- Proper location and movement of gasoline trucks
- Traffic confusion in the parking lot
- Upgrade in fencing

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Barbara Cartmill stated that she is also concerned about the internal traffic circulation. She would like to see a flow pattern of traffic circulation with examples. She is sure that the convenience store will increase traffic trips, destination or drive-bys.

Howard Steward stated that he first purchased gas here in 1973. He has used this facility many times. He has also had automobile repair done here and is saddened that auto repair will no longer be available. The Applicant is trying to find a way to remain profitable in the business at this location. He has complied with the EPA requirements for the new tanks. This is no small investment of time and money.

When you look at the Chevron station at the corner of King and Linwood, every problem that has been expressed here is multiplied several times over at that site. This is the best the applicant can do. Obviously it is not ideal, however, he is not prepared to vote in favor of a motion that puts a person's business at risk.

Howard Steward stated that he has traveled many times in a 35-foot trailer. When you go into these places, you take care to make sure you get in and out safely. He does not feel that anything will be gained by taking out the curb cuts and limiting the exiting opportunities.

Barbara Cartmill stated that this particular gas station brings a lot of people to this corner. This intersection has an existing traffic situation. A circulation plan, backup numbers, and a little foresight would help with the repercussions of the change of use.

Chair Hammang stated that he does not know how this would work. He has never purchased gas here because it has always been a difficult traffic situation when he passes by.

Mike Miller stated that he too has concerns about the traffic patterns. He has been in and out of this station many times. It is the Commission's responsibility when changes are made that a landscape plan that buffers the residential neighborhood be a condition of the approval. He would like to see a landscaping plan on this site that enhances the residential area, allows the service station to continue, the convenience store to be there, and allow people to get in and out in a safe manner.

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Alice Rouyer read from Page 13, Public Works comment, the 2nd paragraph. This is the analysis from the City's professional staff. Additional analysis can be requested, if the Commission feels it is warranted.

Alice Rouyer stated that it was staff's conclusion in their analysis that the mitigation efforts that are in the conditions of approval (fencing, landscape buffering, additional landscaping) were sufficient mitigation to make a finding on the non-conforming use section. The change in use will not result in increased detriment to surrounding properties based on all the changes added to the condition of approval.

A lot of additions to the site plan have been recommended as conditions of approval. The applicant will need to make substantial changes. The Commission can add to the changes as they deem fit.

Chair Hammang noted that Condition 2 mentions a maximum of seven on-site parking spaces. He asked how he can determine a realistic number to require for parking when there is no information on how many trips/customers are coming to the site? **Alice Rouyer** stated that parking spaces are based on the parking ratios in the code. Ratios were used for the retail and the gas station use. Numbers were used that were specific for a convenience store. **Lisa Nasshahn** stated that there is a maximum number of parking spaces included in the code. The maximum is 7 spaces for this use.

Howard Steward stated that King Road Market is across the road from this site. Items are much cheaper there than at the convenience store. He feels that people who are generated for the purchase of food will go across the road to King Road Market where there is plenty of parking.

Chair Hammang stated that he is still concerned about fencing. He asked that staff draft up a condition that would address this issue.

Mike Miller asked if the Hector Campbell Neighborhood request is included in the conditions. **Alice Rouyer** stated that is addressed in Condition #8.

Doug Ouderkirk stated that he is having a hard time making a decision. He does not feel the expense of the sidewalk is worth the trouble. Discussion followed on the importance of having a pedestrian access. **Lisa Nasshahn** stated that after reviewing the Asto Geometric Designs of Highways and Streets and found that the proposed 60-foot turning radius is very generous. The landscaping and park strip

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can be configured at 42nd and Harrison so that it does not impact the truck route through the site.

Mike Miller moved to approve TTR-99-07, NCU-99-01, TAR-99-01 and 02, with the conditions as submitted. **Doug Ouderkirk** seconded.

Mike Miller moved to approve applications TPR-99-07, NCU-99-01, and TAR-99-02 authorizing continued use of the R-3 portion of the parcel for required parking and tanker truck access to the existing Arco Station at 4140 SE Harrison; and reviewing the redevelopment of the gas station in the C-G portion of the lot for consistency with transportation planning standards. Further approval of the staff-recommended Findings and Conditions of Approval as outlined in the staff report with the following amendments to Condition 2(a):

“2 (a). Sight-obscuring fencing and landscaping which shall not allow light trespass, including shrubs and trees for noise buffering, along all property lines in the R-3 zone that adjoin residential uses.”

Doug Ouderkirk seconded.

Ayes: Hammang, Borden, Cartmill, Miller, Ouderkirk, Steward; Nays: None.
MOTION CARRIED 6-0.

7.0 WORKSESSION -- None.

8.0 DISCUSSION ITEMS

Mike Miller announced that there will be an open house scheduled to review a draft plan that has been prepared by the Steering and Advisory Committee for the Mt. Talbert Park. The open house will be held at 147th off of Sunnyside Road. There will be another open house on Saturday, November 9, at the Milwaukie Senior Center.

The Steering Committee is looking for information in relation to use of this property. The Park Department owns 149 acres of Mt. Talbert. Some is still in private hands. He invited all to attend. The citizens have expressed an interest to have his as a passive park with walking trails.

Educational Service District -- New Life Celebration Church as relocated. Alice Rouyer will bring this before the Commission in December.

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9.0 OLD BUSINESS

10.0 OTHER BUSINESS/UPDATES

10.1 Matters from the Planning Director

Alice Rouyer mentioned that the street vacations that were in the packets would be heard at the next meeting or on December 14, 1999.

The DSL Letter that was to be drafted by staff will be available for review at the November 23rd meeting. The letter was to be drafted for Commission Chair signature. The City Council is the only body that should represent the City by signature of letters. It was suggested that she write the letter for her signature and represent the Commission concerns.

A worksession on Urban Forestry is set for next meeting. The City attorney has submitted drafts on the Ordinance. **Judith Borden** stated that she will not be at that meeting. She was present for the first discussion and she feels comfortable with the Commission going ahead and discussion Urban Forestry.

Alice Rouyer submitted a copy of the memo to City Council regarding an update on this project. The agenda item is scheduled to begin around 7:15. She invited the Commissioners to attend or watch on TV.

Alice Rouyer announced that three of the Commission members participated in the City Council exercise in reviewing a draft vision and mission. She asked that the Commissioners go through the exercise and turn in the comments to Community Development.

10.2 Historic Resources Commission Report -- None.

11.0 NEXT MEETING -- November 23, 1999

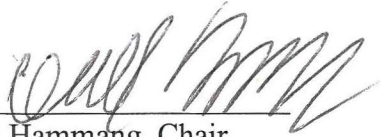
11.1 Worksession

Doug Ouderkirk moved to adjourn the meeting of November 9, 1999. **Judith Borden** seconded. MOTION PASSED UNANIMOUSLY. The meeting adjourned at 9:40 p.m.

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Donald Hammang, Chair



Shirley Richardson, Hearings Reporter

AGENDA
MILWAUKIE PLANNING COMMISSION
Milwaukie City Hall
10722 SE Main Street
Tuesday, November 9, 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)	Information Only	
3.1	9/18/99 – Teambuilding, Mission, and Vision Worksession		
3.2	9/20/99 – Worksession		
3.3	10/4/99 – Worksession		
3.4	10/5/99 – Regular Session		
4.0	Planning Commission Minutes	Motion Needed	
4.1	October 12, 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	
6.1	Applicant: J. Kevin McKinney Owner: EHB – Eye Health Builders Location: 11086 SE Oak Street Proposal: To construct a new eye clinic medical office in the Milwaukie Market Place. File Numbers: CSC-99-01 and TPR-99-04 NDA: Business Industrial – Lake Road (neighboring) Staff Person: John Gessner		
6.2	Applicant: Dr. Kenneth and Wan-Fen Chung Owner: Ronald Stroh Location: 3245 SE Campbell Proposal: Remodel a 4-plex and modify it to accommodate a dental clinic. File Numbers: CU-99-04; TPR-99-08; and VR-99-06 NDA: Historic Milwaukie Staff Person: Lisa Nasshahn		
6.3	Applicant: John Failor Owner: Jim and Cheryl Arendell Location: 4140 SE Harrison Proposal: Convert service station service bays into a convenience store; and continue non-conforming use on westerly portion of lot as a parking area. File Numbers: NCU-99-01; TAR-99-02; and TPR-99-07 NDA: Hector Campbell Staff Person: Lisa Nasshahn		
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	Information Only Review and Comment	
10.1	Matters from the Planning Director		
10.2	Historic Resources Commission Report		

11.0	Next Meeting: November 23, 1999		
11.1	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
Doug Strickler, Associate Planner
Jeanne Garst, Office Assistant
Marcia Hamley, Office Assistant
Shirley Richardson, Hearings Reporter



TO: PLANNING COMMISSION PACKET RECEIPANTS

FROM: JEANNE GARST, PLANNING OFFICE ASSISTANT

RE: OCTOBER 26, 1999 MINTUES

DATE: NOVEMBER 2, 1999

Minutes from the October 26, 1999 Planning Commission meeting are not available for distribution with this packet due to staff vacation.

You will be sent a copy of minutes as soon as they are available. Thank you for your patience in receiving this portion of your packet at a later date. If you have any questions concerning the minutes from 10/26/99 please contact Alice Rouyer at 786-7654.



TO: Planning Commission
 THROUGH: Alice Rouyer, Planning Director *ADR*
 FROM: John Gessner, Associate Planner *J.G.*
 SUBJECT: CSC-99-01 & TPR-99-04 EyeHealth Northwest
 Applicant: J. Kevin McKinney
 REPORT DATE: November 2, 1999
 HEARING DATE: November 9, 1999

ACTION REQUESTED

Approve applications CSC-99-01 and TPR-99-04 authorizing construction of an 8,335 square foot medical clinic/office and adopt the staff recommended Findings and Conditions of Approval.

BACKGROUND

Statistics

Location: 11086 SE Oak Street, Corner of 37th Avenue and Market Place Drive
See Exhibit 1-Vicinity Map

NDA: Milwaukie Business Industrial
 Zone: Community Shopping Commercial Zone, C-CS
 Lot size: 40,955 s.f.
 Map & Tax Lot 11E36AC Supplemental, Lots 12501 & 12502

Summary Project Description

Eye Health Northwest, which presently leases office space in the Market Place, is proposing to construct an 8,335 square foot medical office with an optical shop, related parking, and landscaping. *See Exhibit 2-Plan Reductions.* The proposed site is located at the vacant lot on the corner of 37th Avenue and Market Place Drive just east of the dental offices of Doctors Boyd, Underwood, and Garcia. The site will be accessed by the existing driveway that serves the dental offices. *See Exhibit 1-Vicinity Map.*

The new building is to be located in the southern portion of the site along, but setback from the wetland reserve area that was established by approval of the

Market Place. The building is setback from the wetland reserve boundary an average of 15 feet. Enhancements are proposed within the wetland reserve.

The existing red maple trees located along 37th Avenue will be preserved. Additional trees and landscaping will be provided along the site frontage on Market Place Drive.

The proposal requires Planning Commission review pursuant to Milwaukie Zoning Ordinance Section 315-Community Shopping Commercial Zone and Section 1400-Transportation Planning, Design Standards, and Procedures.

Although the site contains wetland and riparian resources, it is not subject to MZO Section 322-Natural Resource Overlay because it is not on the Comprehensive Plan Natural Resource Inventory. Resource issues have been addressed in this report. *See Exhibit 6-Wetland Preservation Letters.*

The applicant has submitted a cover letter and separate reports that address approval criteria of the community shopping center and transportation design reviews. *See Exhibits 3 and 4.*

Site History

The site is part of the original 1987 Market Place proposal and was then conceptually approved for retail development. In 1994, after most of the Market Place had been developed, the remaining undeveloped parcel was subdivided creating 5 lots. The site comprises lots 1 and 2 of that subdivision. At the same time in 1994, applications were approved for dental offices on lots 3, 4 and 5. These lots are now home to the offices of Dr.'s Boyd, Underwood, Garcia, and Wooley. The Eye Health Northwest site includes the last two lots created by the 1994 subdivision.

All five lots created by the 1994 subdivision have a wetland reserve area that provides protection to the stream that runs from Minthorn Spring. Development on other sites that abut the reserve area have been required to maintain a minimum setback of 10 feet in accordance with conditions of the Market Place approval.

ANALYSIS

Preservation of the Wetlands Reserve.

Minthorn Spring and its drainage were reserved for protection under agreements and permit requirements of the original approval of the Market Place. Minthorn Spring is critical to the protected 4-acre wetland located just east of the site across 37th Avenue. The spring drains by an open stream that flows along the west and south property lines of the adjacent office lots and along the site's

southern property line. Approval of the 1994 Boyd/Underwood subdivision included a condition that wetland reserve areas be delineated on the final plat. Boundaries of the reserve area are shown on the site plan. Only enhancement activities are proposed to take place within the reserve area. Proposed enhancement activities include removal of blackberries and passive restoration of native plants.

The reserve area is to be protected during construction. The applicant has submitted an assessment of the reserve area and a description of work proposed in the reserve area. See *Exhibit 6-Wetland Preservation Letters*.

Compliance with Milwaukie Zoning Ordinance Section 315-Community Shopping Commercial Zone.

Section 315 specifies criteria of approval including, use, scale, procedure, and development standards. The applicant has responded to review criteria in the written narrative report contained in Exhibit 2. Staff finds that the proposal is in substantial compliance with approval criteria based upon review of the proposed site plan and written report. A summary describing how the proposal meets the C-CS regulations is provided below.

1. *Section 315.1 Uses.*

The Market Place is limited to retail, personal service, and office uses specified in Section 315.1. The medical office is permitted pursuant to Section 315.1.B.6. The related optical shop is allowed under two interpretations of the regulations. It may be considered as an accessory-use of the medical office or it may be considered a permitted use as a retail specialty shop under and Section 315.1.A.4. Offices may not exceed 15% of total Market Place floor area. Total proposed office floor area is 9% (18,214 square feet).

2. *Section 315.2 Scale.*

This regulation applies to the overall shopping center and requires a minimum of 200,000 square feet. It also requires that the original project was to be completed within three years. The proposed total floor area of the shopping center will be 206,551 square feet. The requirement to complete the project within 3 years was resolved under prior reviews and does not apply to this application.

3. *Section 315.3 Procedure.*

All required application materials have been submitted. Staff waived the requirement to submit a traffic analysis based on conclusions of traffic impact analyses submitted under previous reviews. A 30,000 square foot retail use was originally planned for

this site. Improvements to 37th Avenue have already been made based upon traffic generation of the entire Market Place.

Revised traffic analysis conducted for the Boyd-Underwood project indicates significantly lower traffic generation for health care offices than for the previously proposed retail use. The expected traffic generation of the proposed project, (combined with the existing medical offices), is consistent with the findings of a lesser impact than retail.

The Public Works Department has indicated that the 37th Avenue and Market Place Drive intersection is adequate to handle new traffic created by the office and that no public improvements are required.

Application materials have been forwarded to ODOT, Tri-Met and City departments as required. See the Comment section of this report for from review agencies that have responded.

4. *Section 315.4.E-Building Design.*

This section requires development have quality design, function well with surroundings, be safe and convenient for pedestrians and motorists, minimize criminal potential, and have integrated signage.

1. *Pleasing site and building design and use of quality materials.*

The primary exterior finish materials are brick, metal trim, and glass. Brick is extensively used on the elevations that face 37th Avenue and the dental offices. The south elevation faces the wetland reserve area is primarily glass and trim. The elevation that faces Market Place drive features primarily brick with glass and metal trim. Parking lot improvements include landscaping as required by the zoning ordinance.

A dumpster enclosure is located in the northeast corner of the parking lot. The location is prominent because it is visible from both 37th Avenue and Market Place Drive. The enclosure, which is to house two dumpsters, is to be constructed of brick, chain link and wood slats.

Special care in the design of the enclosure is warranted due its location. The applicant has been advised to have architectural elevations of the dumpster at the public hearing.

2. *The development should relate functionally to the site, surrounding, and internally.*

The site plan takes advantage of existing conditions such as shared access to ensure appropriate functioning of traffic access and circulation.

3. *Design development to maximize pedestrian and vehicle safety and convenience.*

Several parking spaces are located directly opposite the site access drive. These spaces serve the store, "Great Party!" and back out into Market Place Drive. While additional traffic at this location does not raise immediate concerns about traffic safety, it would be prudent to improve the centerline stripping in Market Place drive to more clearly define travel lanes. (See also recommended conditions of approval)

Internal vehicle and pedestrian circulation meets the design requirements of this section.

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

The proposed development complies with this requirement. Adequate lighting is provided, exterior building design and siting discourage mischievous or criminal activity. Most of the site is visible from roadways or parking lots.

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

A single monument sign is proposed for the northeast corner of the site near the intersection of 37th and Market Place drive. The sign is pedestal mounted with an 18 square foot internally illuminated display surface that faces Market Place Drive. Overall dimensions are 4-feet high by 7-feet long. The sign content will be presented at the public hearing.

There is no overall or uniform signage plan for the Market Place. Sign permits are reviewed on an individual basis as tenants take occupancy. Signage is subject to restrictions of the sign ordinance. The Commission reviewed proposed signage under the Boyd/Underwood application (C-CS-94-01) and the Garcia application (CSC-98-01).

Compliance with Milwaukie Zoning Ordinance Section 1400-Transportation Planning, Design Standards, and Procedures.

New development is required to provide transportation-related improvements in accordance with specifications of Section 1400. The applicant has submitted a written report detailing how the project complies with these requirements. Staff finds that the proposal is in substantial compliance with approval criteria based upon review of the proposed site plan and written report. A summary of how the proposal meets applicable requirements is provided below.

1. *Section 1403.2-Development Review Process, Coordinated reviews.*
The application has been forwarded to appropriate review agencies. Comments, if received, are found in the "comments" section of this report.
2. *Section 1403.4-Criteria*
 - A. *Compliance with Section 1400. Compliance is addressed in this section.*
 - B. *Compliance with Section 315-Community Shopping Commercial Zone. The project complies with Section 315.*
 - C. *Compliance with Section 400-Supplementary Regulations and Section 500-Ofstreet Parking and Loading.*
The proposal complies with Sections 400 and complies with Section 500 as modified by recommended conditions of approval.
 - D. *Compliance with applicable highway and corridor plans.*
Oregon Department of Transportation reviewed construction of the Market Place and related traffic and transportation issues prior to approval of the project. This review included consideration of retail development on the project site. This project is expected to be consistent with prior ODOT reviews. The plans have been forwarded to ODOT for their review.
3. *Section 1404-Access Control*
Access to 37th Avenue is restricted by a 1-foot no access easement granted in favor of the City under the Boyd/Underwood subdivision. Use of the existing access driveway, as proposed, is preferred.
4. *Section 1405-Transportation Improvement Standards*
This section specifies design standards for right-of-way and travel lane widths, parking and bike lanes, and sidewalks. These requirements apply only to 37th Avenue since Market Place Drive is not a public right-of-way. All required improvements have already been provided as part of development of the Market Place.

5. *Section 1406-Internal Connections*

Walkways are required to provide safe pedestrian ways within the site and between the public right-of-way and the building. A sidewalk is provided between the building entrance and the 37th Avenue sidewalk. Sidewalks are provided between the building entrance and the parking area. The size and configuration of the parking lot does warrant dedicated internal walkways.

Opportunity for vehicular and pedestrian access between the site and the adjacent office buildings is provided.

7. *Section 1407-Transit Stops*

This section requires that transit stops be provided for commercial traffic that generates over 1,000 vehicle trips per day. Trip generation of the proposed use is less 1,000 trips per day. Accordingly, the development is not required to provide a transit stop. An existing Tri-Met bus stop is located just opposite the site access drive on the north side of Market Place Drive.

8. *Section 1408 Building Orientation*

This section specifies design standards for building orientation and setbacks that encourage pedestrian access and transit use. The primary entrance is highly visible from the Tri-met stop and the Market Place Drive intersection with 37th Avenue. Sidewalks and site drives provide direct pedestrian access to the primary entrance.

COMMENTS

Lake Road NDA.

(Comments not received at the time of writing.)

Public Works

Memo of Paul Roeger, P.E., Civil Engineer, October 29, 1999

This site fronts on 37th Avenue and on a roadway through the Marketplace. Access to this site must be from the Marketplace roadway. No access will be permitted from 37th Avenue. Sidewalk is located on 37th Avenue and on the south side of the Marketplace roadway. Transportation system development charges (SDC's) will be based on the trips generated per thousand square feet of building for the proposed use as determined by the Institute of Transportation Engineers Trip Generation handbook.

City water and sanitary sewer are available to the site from the Marketplace roadway on the north. SDC's for water and sanitary sewer are based on the number of plumbing fixtures in the building. A complete plumbing plan must be submitted along with the building permit plans and application.

Storm drainage is also available from the Marketplace roadway to the north. All site storm drainage must be piped to this system. All on-site catch basins must have inverted siphons. The storm drainage SDC is based on the square footage of impervious surface on the site.

Site utility plans must be submitted with the building permit plans and application. An erosion control plan and permit application must also be submitted with the building permit plans and application. Great care must be taken to protect the wetland along the south part of the site.

All SDC calculations will be done at the time of building permit review.

North Clackamas Fire District

(Comments not received at the time of writing.)

Oregon Department of Transportation

(Comments not received at the time of writing.)

Tri-Met

(Comments not received at the time of writing.)

RECOMMENDED FINDINGS IN SUPPORT OF APPROVAL

1. The applicant proposes to construct an 8,335 square foot office building to house ophthalmology clinic and a retail optics shop. Seven parking spaces are provided in excess of minimum zoning requirements for the proposed use. Four of these spaces will accommodate a potential future expansion of 850 square feet that is shown on the site plan, but which is not part of this application.
2. The land use applications have been processed and public notice provided, in accordance with applicable provisions of the Milwaukie Zoning Ordinance.
3. The proposed development complies with Milwaukie Zoning Ordinance Section 315- Community Shopping Commercial Zone
4. The proposed development complies with Milwaukie Zoning Ordinance Section 1400-Transportation Planning, Design Standards, and Procedures.
5. The applicant has proposed to retain the existing trees located along 37th Avenue.
6. The applicant has proposed to that no fill encroachments within the mapped wetland reserve area will be made.

RECOMMENDED CONDITIONS OF APPROVAL

1. Prior to the issuance of a building permit, a detailed and dimensioned site plan shall be submitted to the satisfaction of the Planning Director. The site plan shall show all grading, structures, setbacks, paving, curbs, utilities and similar features. Dimensions shall be provided for all structures, parking spaces, building setbacks, parking lot aisles, landscape islands, dumpster enclosures, and similar features.

The following modifications shall be made to the site plan prior to submission for building permit.

 - a. A sidewalk, with handicap ramp, shall be provided along the east of parking space 35.
 - b. A striped pedestrian crosswalk across the site access drive at the intersection with Market Place Drive shall be provided.
 - c. All proposed exterior lighting details including location, details of light standard design (height, materials, etc), fixture style and lamp power shall be shown.
 - d. Installation of a stop sign at the exit of the site drive.
 - e. The proposed sidewalk that provides access to 37th Avenue shall be relocated to the to minimize potential impact to the nearby tree. In addition, the sidewalk has a number of offsets that must be eliminated to allow a minimum continuous effective width of 5 feet.
 - f. The centerline striping of Market Place Drive shall be improved to the mutual satisfaction of the Public Works Director and the Planning Director for the purpose of clearly defining travel lanes and reducing vehicle conflict with through traffic, site traffic, and vehicles backing out of the parking spaces located on market Place Drive. The road shall be restriped from the intersection with 37th Avenue and the southwestern corner of "pull-in" parking spaces on Market Place Drive that serves "Great Party!" retail store.
 - g. The plan shall specify that all on-site catch basins shall have inverted siphons.
2. Prior to issuance of a building permit, detailed and dimensioned architectural floor plans, roof plan, and elevations shall be submitted to the satisfaction of the Planning Director. The floor plans are to fully dimensioned and have all uses identified. Architectural elevations shall be dimensioned and have all finished materials labeled. Rooftop mechanical units and required screening are to be shown. The architectural plans are to indicate all the location and details of all exterior building mounted lighting.

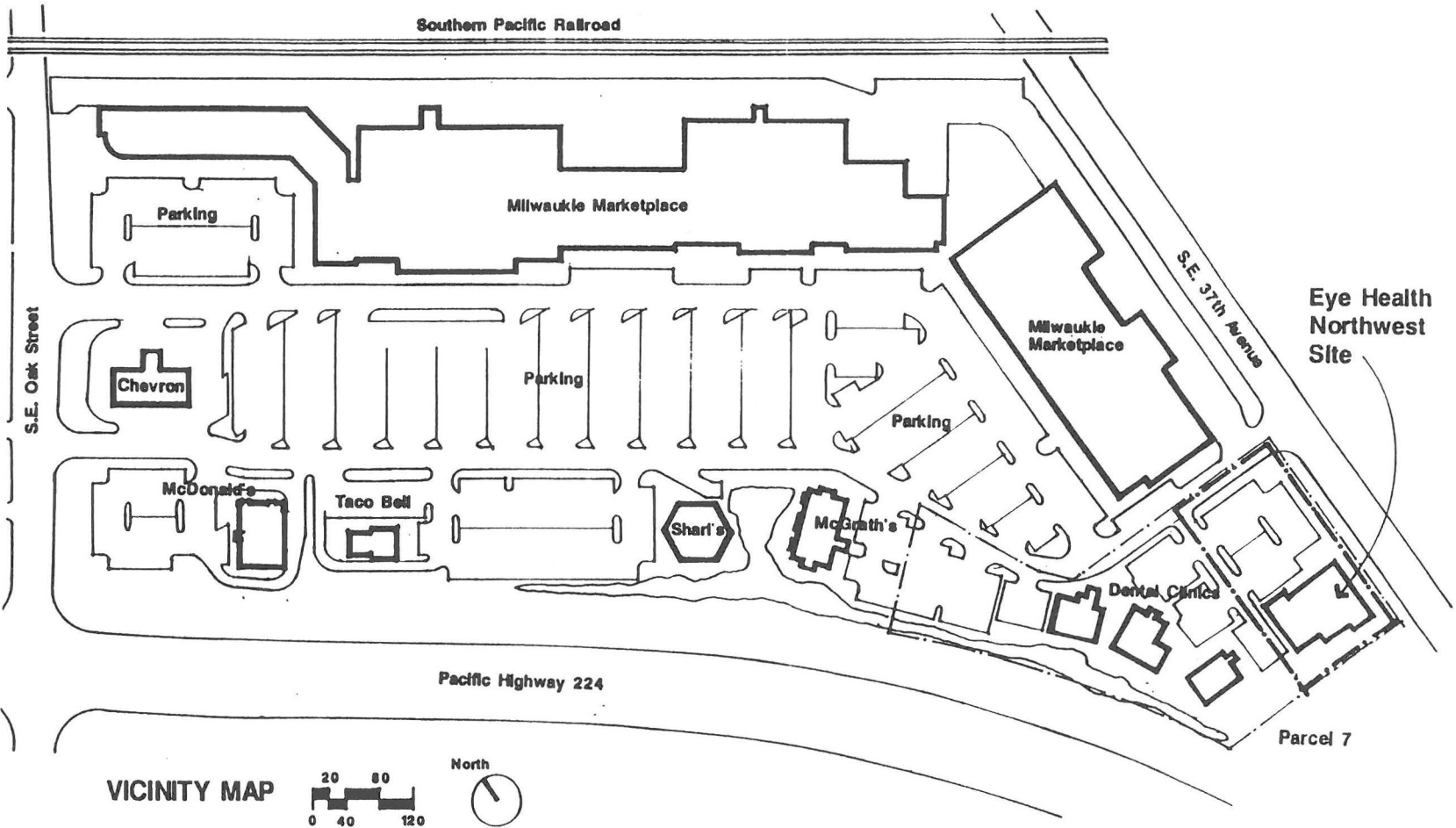
3. Prior to issuance of a building permit, a zoning analysis demonstrating compliance with applicable standards such as building height, setbacks, and minimum landscaped area, shall be submitted to the satisfaction of the Planning Director.
4. Prior to the issuance of a building permit, a final landscaping plan shall be submitted to the satisfaction of the planning Director. Irrigation as required by Section 315.5.D shall be shown on the appropriate plan.
5. Prior to issuance of a building permit, a performance bond or other form of surety for landscaping as required by Section 315.5.D.7 shall be submitted to the mutual satisfaction of the Planning Director and City Attorney.
6. The existing trees located along 37th Avenue shall be protected from damage during construction. Prior to issuance of a building permit, a plan showing protection measures shall be submitted to the satisfaction of the Planning Director. The plan is to identify existing and proposed grading and all utility trenching. Measures shall be provided to ensure protection from machine damage, soil compaction, and root loss. The plan is to identify the location of construction trailers, material storage, and equipment access. Required tree protection measures shall be installed to the satisfaction of the Planning Director prior to commencement of construction activities including placement of equipment or materials
7. Prior to issuance of a building permit, and prior to commencement of any construction activities, a resource protection plan shall be submitted to the satisfaction of the Planning Director. The plan is to show installation of a construction barrier setback no closer than 5 feet from the wetland reserve area boundary. The barrier shall be designed and installed to ensure adequate protection from machine and fill encroachments.
8. Prior to commencement of construction activities including placement of equipment and materials, the required wetland resource protection barrier shall be installed to the satisfaction of the Planning Director.
9. Prior to issuance of any occupancy approvals, all required landscaping and parking improvements shall be completed and inspected to the satisfaction of the Planning Director.
10. Prior to issuance of any sign permit, all signage shall be reviewed to the satisfaction of the Planning Director.
11. Prior to the any excavation or earth disturbing activities, an erosion control permit shall be obtained. An erosion control plan must be submitted with plans submitted for building permits.

CSC-99-01/TPR-99-04 Eye Health Northwest
November 2, 1999
page 11 of 11

12. Plumbing plans shall be submitted to the mutual satisfaction of the Building Official and Public Works Director prior to issuance of a building permit.
13. Prior to issuance of a building permit, system development charges for water, sewer, stormwater, and transportation shall be paid.
12. Prior to the issuance of a building permit, development plans shall be submitted to the satisfaction of the Building Official and Fire Marshal.
13. Any shared parking agreements between Eye Health Northwest and other Market Place tenants shall be reviewed by the Planning Director for determination of compliance with applicable zoning regulations and land use approvals prior to execution of the agreement.
23. Taper around sidewalk.

EXHIBITS

1. Vicinity Map
2. Plan Reductions
3. Applicants Cover Letter, 9/23/99
4. Applicant's C-CS Compliance Report, 9/23/99
5. Applicant's TPR Compliance Report, 9/23/99
6. Applicant's Wetland Preservation Letters, 8/31/99 & 10/27/99



PLANT MATERIAL LIST

Code	Botanical Name	Common Name	Tree Size	Remarks
AC	ACER SACHINATUM	VINE MAPLE	8' HGT	
AGEU	ABELIA G. EDWARD GOUCHER	EDWARD GOUCHER ABELIA	24" HGT	
AF	ACER GINNALA FLAME	FLAME AMUR MAPLE	10" HGT	10' HGT. 10' HGT. 10' HGT. 10' HGT.
AHC	AZALEA HIND CRIPSON	HIND CRIPSON AZALEA	10" HGT	
AP	ACER PALMATUM	JAPANESE MAPLE	10" HGT	
AR	ARCTOSTYLIUM URSI MASS. HYBRID	MASS. KITCHENINKICK	4' POT	10' HGT. 10' HGT. 10' HGT. 10' HGT.
BP	BETULA Papyrifera	PAPERBARK BIRCH	10' HGT	
BTG	Berberis thun. CRIPSON PIGMY	CRIPSON PIGMY BARK	18" SPR	
BY	Berberis VERRUCULOSA	HARTT BARBERRY	18" SPR	
CAD	CORNUS ALBA STOLONIFERA	RED TIGR DOGWOOD	24" HGT	
CS	CORNUS STOLON KELSEYI	KELSEYI DOGWOOD	18" SPR	
CG	CAPHNE OREGA	DAWSON	18" HGT	
EPB	EUONYMUS F. HERALD GAIETT	E. GAIETT. EUONYMUS	18" SPR	
GS	GAULTHERIA SHALLOI	SALAL	1" CAL	
ICG	ILEX CRENATA CONVEA	CONVEA I. HOLEY	18" SPR	
JH	JUNIPERUS HORIZONTALIS MIL TORII	BLUE CAMEL JUMPER	1" CAL	
MAC	MANONIA AQUAFOLIUM CONTRACTA	COMPACT FREZIERI GRAPE	18" SHK	
PCA	PRUS CALLERYANA ARISTOCRAT	ARISTOCRAT PEAR	2" CAL	
PLD	PRUNUS LAURO OTTO LUTKEN	OTTO LUTKEN LAUREL	18" HGT	
PHI	PRUNUS TUIGO TUIGO	DIARF TUIGO IRINE	18" SPR	
PPH	POLYSTICHUM MUNITUM	SWORD FERNS	1" CAL	
PSK	PRUNUS SERRULATA KHANZAN	KHANZAN CHERRY	2" CAL	
RC	RUBUS CALYCINOIDES	CREeping BERRY	4" POTS	
RFJT	RHODOENDRON PUJI	PUJI RHODOENDRON	24" HGT	
RSH	RHOD. SCARLET WONDER	SCARLET WONDER RHOD.	18" SHK	
RUN	RHODOENDRON UNIQUE	UNIQUE RHODOENDRON	24" HGT	
VD	VIBURNUM DAVIDI	DAVID VIBURNUM	18" SPR	
VW	VACCINIUM VITIS-IDAEA	LITCHEBERRY	1" CAL	

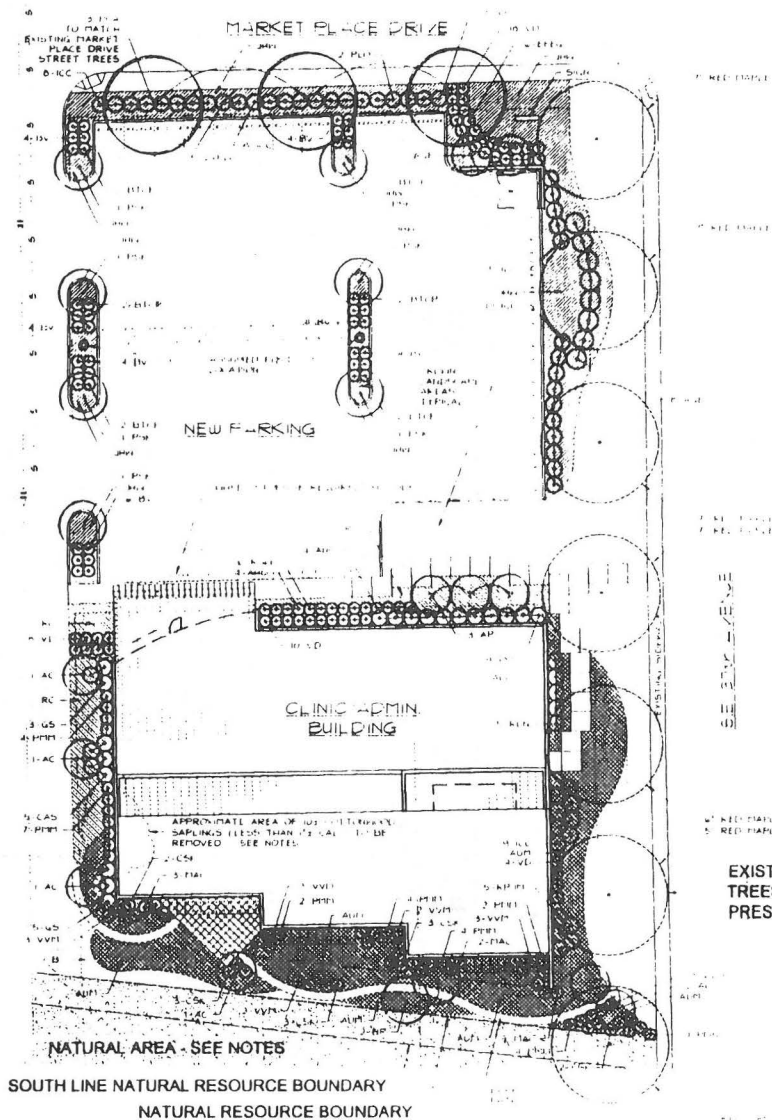
LEGEND

- INSTALL TYPE A01 GROUNDCOVER CONTINUOUS AT 10' INT.
- INSTALL TYPE A02 GROUNDCOVER CONTINUOUS AT 10' INT.
- INSTALL TYPE A03 GROUNDCOVER CONTINUOUS AT 10' INT.
- NATURAL AREA - SEE NOTES
- INSTALL FINISH LAWN
- INSTALL SHAVE CUT LAWN EDGE
- INSTALL BANK FINISH LATER IN ALL NON-TREE LANDSCAPE AREAS - REFER TO...

NOTES ON LANDSCAPE PLAN

- EXISTING VEGETATION: SEE PLAN
- EXISTING TREE REMOVAL: PRESENT AND PROPOSED EXISTING TREES, TYPE OF EXISTING TREES AS PRESENT AND PROPOSED REMOVAL ACTIVITIES WITHIN (DOB) LINE TO NATURAL RESOURCES ASSOCIATION (NRA) ARE...
- EXISTING NATURAL FEATURES: SEE NATURAL AREA PER PLAN. NATURAL AREA (LAWNS) INDICATED BY A DOTTED PATTERN. CAPTURED, REED, CANYON GRASS, CANYON GRASS, AND CANYON BUSH. REFER TO PDS ENVIRONMENTAL REPORT (DATED 10/10/99) FOR FURTHER DETAILS.
- EXISTING AND PROPOSED PLANT SPECIFICATIONS ARE INDICATED TO SCALE ON PLAN.
- WORK IN NATURAL AREA: IMPLEMENT ENHANCEMENT PROGRAM AS DIRECTED BY ECLOGISTS AND AS PLANING REFERS TO ENHANCE AND REMOVE INVASIVE BLACKBERRY AND TO ALLOW NATIVE PLANTS TO DEVELOP AND PROVIDE ENHANCED NATURAL AREA VALUE. CONTROL EROSION AND ASSURE STABLE BANKS AS NEEDED.
- BUFFER AREA PLANTINGS: (UPLAND SITE AREA SOUTH OF BUILDING) SPECIES ARE SELECTED FOR LOW PROFILE AND RELATIVE TO NATIVE SPECIES. SPECIES TO BE ADJUSTED AND FINALIZED IN CONSULTATION WITH ECLOGISTS FOR COMPATIBILITY WITH ADJACENT NATURAL AREA.
- SAMPLING TREE REMOVALS (SEE PLAN) ARE REQUIRED FOR CONSTRUCTION ACCESS - OFFSETTING, LARGER NATIVE TREE PLANTINGS ARE PROPOSED IN MITIGATION (TYPE AC AND TYPE BP).
- OWNER RESERVES THE RIGHT TO PROVIDE LANDSCAPE TO THE MINIMUM STANDARD SPECIFIED BY LOCAL CODE.
- THIS PLAN IS PREPARED FOR REVIEW ONLY AND IS NOT FOR CONSTRUCTION. LANDSCAPE ARCHITECT DOES NOT AUTHORIZE ANY USE OF THIS PLAN BEYOND CONSIDERATION FOR DESIGN REVIEW BY LOCAL AUTHORITIES.
- LAWNS ARE PLAN TO BE MODIFIED FOR UTILITY LOCATIONS AND FINAL PAVING/STRUCTURE LAYOUT.
- WORK INCLUDES INSTALLING OF DEEP BANK FINISH LATER CONTINUOUS IN ALL NON-TREE LANDSCAPE AREAS THROUGHOUT SITE.
- SEE OTHER PLANS FOR ALL SITE ELEMENTS (WALLS, PAVING, TRASH ENCLOSURES, UTILITIES, ETC.) OTHER THAN PLANTINGS & LAWN LAYOUT.
- INSTALL 24" DEEP PLASTIC ROOT BARRIER TO DIAPHRAGM TUMBER SPILL BETWEEN PAVING AND TREE ROWS TO PREVENT LEAKING OF OIL OR ROOT BALL.

OWNER:
 Eye Health Northwest
 10818 SE Oak St.
 Milwaukie, Or 97222
 Phone 551-2020



IRRIGATION: ALL PLANTING AREAS ARE TO BE MAINTAINED BY AN AUTOMATIC IRRIGATION SYSTEM WITH OVERHEAD TO NEARBY PLANTINGS AND DESIGN BY THE LANDSCAPE ARCHITECT. FINAL DETAILS AND IRRIGATION PLAN TO BE SUBMITTED TO THE OWNER FOR APPROVAL.

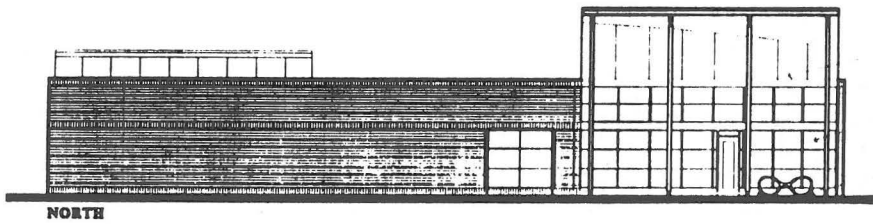
LANDSCAPE MAINTENANCE: LANDSCAPE AND IRRIGATION SYSTEMS TO BE MAINTAINED BY THE OWNER. THE LANDSCAPE ARCHITECT SHALL PROVIDE A MAINTENANCE SCHEDULE TO THE OWNER. THE LANDSCAPE ARCHITECT SHALL PROVIDE A MAINTENANCE SCHEDULE TO THE OWNER. THE LANDSCAPE ARCHITECT SHALL PROVIDE A MAINTENANCE SCHEDULE TO THE OWNER.

EXISTING STREET TREES TO BE PRESERVED - TYPICAL

Eye Health Northwest Landscape Plan
Milwaukie Clinic/Administration September 24, 1999

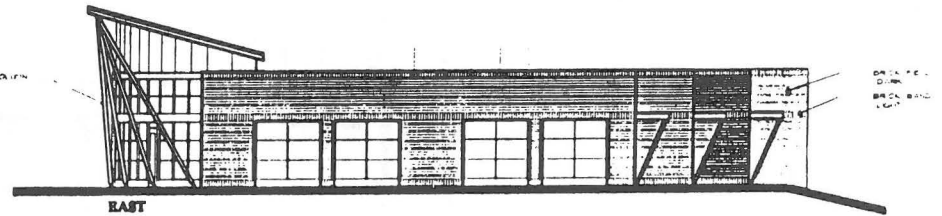
Giffin • Bolte • Jurgens Architects





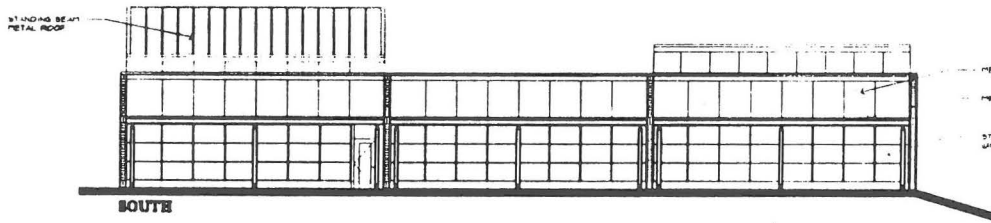
NORTH

METAL PANEL
PIPE COLUMN
STONE FRONT
WINDOW SYSTEM
EDGE RACK



EAST

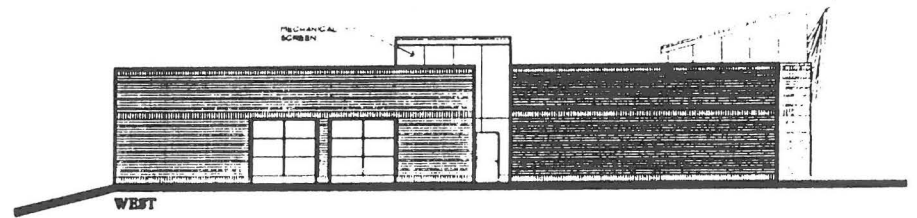
DATA FEED
DRAIN
BRICK BAND
ELECT.



SOUTH

STANDING BEAM
METAL ROOF

METAL PANEL
METAL JACKET
STONE FRONT
WINDOW SYSTEM



WEST

MECHANICAL
SCREEN



**Eye Health Northwest
Milwaukie Marketplace
Boyd & Underwood Addition
Parcel 7, Lots 1 & 2**



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503/656-4221

**Land Use Applications
Cover Letter**

We propose to construct an 8,300 square foot medical office building containing an ophthalmology clinic, retail optical shop and administrative offices on Lots 1 & 2 of Parcel 7 (the Boyd & Underwood Addition) within the Milwaukie Marketplace Shopping Center. This building will accommodate the clinic and optical shop of Oregon Eye Care and the administrative offices of Eye Health Northwest which are currently located in the Shops "A" section in Parcel 1 on the north side the Marketplace.

Parcel 7 was previously subdivided into 5 Lots (S-94-01) with the 3 westernmost Lots (3, 4, & 5) developed as 3 separate dental offices. The 40,955 square feet site comprising Lots 1 & 2 of Parcel 7 fronts onto SE 37th Ave. and makes up the last portion of the Milwaukie Marketplace to be developed.

An access variance (VR-94-03) was previously granted for the three westernmost Lots of Parcel 7 and was intended by Public Works to apply to the proposed site at the time of its development to limit access points onto SE 37th Ave.

This site is zoned as Community Shopping Commercial (C-CS) which requires a developmental review process by the Planning Commission using a Minor Quasi-Judicial Review.

Concurrent applications include a Transportation Planning Review. Like the adjoining dental offices, the traffic impact of our proposal for an ophthalmology practice (with a trip generation rate of ~31.45) is substantially lower than the original proposal for a retail outlet. City Planning Staff have indicated that a new traffic analysis is not necessary. A copy of the DKS Associates Trip Generation Report submitted with CSC-94-01 is appended.

According to City Planning Staff, the proposed development site is not subject to the NR regulations of Section 322 and a NR application is not required. However, in a spirit of voluntary compliance, our development plan respects the NR boundary previously established by the City of Milwaukie. At our request, Ronald Rathburn, Ph.D., of PBS Environmental performed a natural resource evaluation (see report). Our proposed development plan complies with his recommendations for a minimum 10 foot building

**Design Review Application
Eye Health Northwest (Boyd & Underwood Addition)
R1 1E 36AC (Supplemental) Tax Lots 12501 & 12502**

setback, removal of invasive plant species (e.g., Himalayan blackberry and reed canary grass) from the eastern bank of the drainage area and enhancement of the site's habitat value by planting native vegetation. These restoration and enhancement activities are detailed in the landscape plan designed by Schwartz and Associates and will be performed in coordination with a wetland biologist.

Exhibits:

Community Shopping Center Review

- Application face sheet
- Narrative
 - tenant profile summary
 - parking discussion
- Trip generation report
- Environmental report

Transportation Planning Review

- Application face sheet
- narrative

Plans - 6 full-sized copies & one 8 1/2" x 11" of each of the following:

- site location and development plan
- landscape plan
- schematic architectural plan
- elevation drawings

Tax lot map with address labels

Check for \$1060

- Notice sign = \$85
- TPR review = \$975

**Design Review Application
Eye Health Northwest (Boyd & Underwood Addition)
R1 1E 36AC (Supplemental) Tax Lots 12501 & 12502**

Eye Health Northwest
 Milwaukie Marketplace
 Boyd & Underwood Addition
 Parcel 7, Lots 1 & 2



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 503/656-4221

**Community Shopping Center Review
 Addendum to Review Application**

Request

The site for proposed development consists of Lots 1 & 2 of Parcel 7 (the Boyd & Underwood Addition) within the Milwaukie Marketplace Shopping Center. Parcel 7 was previously subdivided into 5 Lots (S-94-01) with the 3 westernmost Lots (3, 4, & 5) developed as 3 separate dental offices. The 40,955 square foot site comprising Lots 1 & 2 of Parcel 7 fronts onto SE 37th Ave. and makes up the last portion of the Milwaukie Marketplace to be developed (square footage from 9-28-94 survey by Marx Associates).

We propose to construct an 8,300 square foot medical office building containing an ophthalmology clinic, retail optical shop and administrative offices on this site to accommodate the clinic and optical shop of Oregon Eye Care and the administrative offices of Eye Health Northwest. These offices are currently located in the Shops "A" section in Parcel 1 on the north side the Marketplace and will be moved to the new building, vacating the site in Shops "A".

This site is zoned as Community Shopping Commercial (C-CS) which requires a developmental review process by the Planning Commission using a Minor Quasi-Judicial Review.

An access variance (VR-94-03) was previously granted for the three westernmost Lots of Parcel 7 and was intended by Public Works to apply to the proposed site at the time of its development to limit access points onto SE 37th Ave.

Concurrent applications include a Transportation Planning Review. Like the adjoining dental offices, the traffic impact of our proposal for an ophthalmology practice (with a trip generation rate of ~31.45) is substantially lower than the original proposal for a retail outlet. City Planning Staff have indicated that a new traffic analysis is not necessary. A copy of the DKS Associates Trip Generation Report submitted with CSC-94-01 is appended.

According to City Planning Staff, the proposed development site is not subject to the NR regulations of Section 322 and a NR application is not required. However, in a spirit of voluntary compliance, our development plan respects the NR boundary previously established by the City of Milwaukie. At our request, Ronald Rathburn, Ph.D., of PBS

Design Review Application

**Eye Health Northwest (Boyd & Underwood Addition)
 R1 1E 36AC (Supplemental) Tax Lots 12501 & 12502**

Environmental performed a natural resource evaluation (see report). Our proposed development plan complies with his recommendations for a minimum 10 foot building setback, removal of invasive plant species (e.g., Himalayan blackberry and reed canary grass) from the eastern bank of the drainage area and enhancement of the site's habitat value by planting native vegetation. These restoration and enhancement activities are detailed in the landscape plan designed by Schwartz and Associates and will be performed in coordination with a wetland biologist.

Criteria for Approval

The proposed development falls within the C-CS zone established for the Milwaukie Marketplace shopping center. We have designed the proposed development to fall within the criteria for development outlined below.

Section 315.4 An application for development will be approved if it meets the following criteria:

I. It complies with the application requirements under section 315.3:

Requirements stated in 315.3.A.1-6 are addressed within the plans and reports submitted. A detailed traffic report is not included (per instructions from the Community Development Department), however a trip generation comparison previously submitted with PR-92-01 is included. Using a trip generation rate of 31.45 per 1000 square feet for a medical office building, the impact of our proposed development is less than that originally considered during the development of the Marketplace. While this proposal allows adequate parking and landscape area for a potential 850 square foot future building addition, we are not proposing a phased development plan at this time.

Exhibits:

Narrative description
 Tenant Profile Summary
 Parking Discussion
Trip Generation report
Environmental report
Site location and development plan
Landscaping plan
Schematic architectural plans
Elevation drawings

II. It meets the scale requirements of section 315.2:

This criteria pertains to the original shopping center review application for the development of the entire Marketplace. Our proposed development falls within these requirements.

**Design Review Application
Eye Health Northwest (Boyd & Underwood Addition)
R1 1E 36AC (Supplemental) Tax Lots 12501 & 12502**

III. It meets the use requirements of section 315.1:

Clinics and offices are permitted under 315.1.B.6, provided that no more than 15% of the total floor space of the shopping center is devoted to such uses (also including trade schools). As of September 24, 1999 the floor space of the shopping center totaled 191,251 square feet, of which 15,634 square feet was devoted to office or clinic use. There are no trade schools in the Marketplace. This proposal will bring the total floor space of the Marketplace to 206,551 square feet and the clinic/office space to 18,214 square feet (a net change given the addition of this proposed building and the subtraction of space currently leased by Eye Health Northwest on Parcel 1). This comprises 9% of the total floor space, which is less than the 15% allowed.

An ophthalmology clinic with a retail optical shop and administrative offices is a use compatible with a retail center. It draws potential customers into the marketplace, familiarizes them with the retail opportunities available and does not contribute to the congestion of peak retailing periods.

IV. It meets the development standards of section 315.5:

A. Setbacks (minimum) from property line:

		<u>Required</u>	<u>Provided</u>
1.	Along Hwy 224:	30'	n/a
2.	Along Oak St.:	40'	n/a
3.	Along SE 37th Ave.:	20'	20' min.
4.	From other property lines:	5'	20' min.

B. Heights (maximum):

Three stories or 45 feet, whichever is less.

The proposed structure is a single story design with a peak height of 26 feet.

C. Access:

All proposed parking and drive areas will access from existing traffic flow within the Marketplace. No curb cuts into SE 37th Ave. are proposed.

D. Landscaping:

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

The net site area of Lots 1 & 2 is 40,955 square feet (the right-of-way dedication for SE 37th Ave. coincides with the property line and so does not impact the net site area). We will landscape 11,454 square feet which equals 28% of the net site area. This does not include the natural resource

Design Review Application

**Eye Health Northwest (Boyd & Underwood Addition)
R1 1E 36AC (Supplemental) Tax Lots 12501 & 12502**

area which comprises 2,437 square feet and greatly enhances the landscape.

2. All set back areas to be landscaped.

All setbacks will be landscaped as indicated in the landscape plan.

3. A landscaped berm on the Hwy. 224 and Oak St. frontages shall be installed.

The proposed development site does not front on Hwy. 224 or Oak St. A berm is not required along SE 37th Ave.

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

A fully automatic sprinkler system will be installed for all landscape and lawn areas noted on the landscape plan.

5. Trees (minimum 6 feet high at time of planting) shall be planted, at least one every 50 feet along the bermed landscaped areas adjacent to streets.

Trees meeting the height and spacing requirements already exist within the setback bordering SE 37th Ave, with a spacing of 40 feet. These trees will be preserved in our landscape plan.

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

Please refer to the landscape plan for details. This plan incorporates the items above and is designed to blend with and enhance the bordering edge of the natural resource boundary.

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

A bond will be provided at the appropriate time.

E. Utilities:

All utilities (gas, electric, telephone) will be installed underground, per the requirement.

F. Transit:

Reserve areas for transit facilities (bus turn-out, shelter, benches, station, etc.) for the use of mass transit if requested by Tri-met in their review of the project.

Since this Parcel is a small portion of the overall center, we will rely on the facilities provided by the Milwaukie Marketplace for transit services. The Marketplace is currently served by Tri-Met bus #152 with one stop in

front of Albertson's and another directly across the internal drive from lot 4 on Parcel 7.

G. Public facilities:

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

Initial discussions with City officials indicate that all utilities are readily available in the street. As no curb cuts are planned into SE 37th Ave, we anticipate no improvements to this street but will comply with any requests from concerned agencies. Improvements to the internal access road serving this site will be made in full accordance with the existing conditions and the needs of our site.

H. Parking requirements of Section 500:

Per Section 503.9.G.3 (Commercial uses - services, health Practitioners Office) we are required to provide four spaces of off street parking per 1000 square feet of gross floor area. The gross floor area for the proposed building is 8300 square feet which requires 34 parking spaces. Four additional spaces are allotted for a potential 850 square feet future building addition. This brings the total number required to 38. There are 7 parking spaces already existing along the western side of Lot 1. These spaces are in excess of the requirements for the dental buildings on Lots 3-5 and are not vital to the parking utilization of these buildings. Our proposal provides a total of 41 spaces, which is 3 spaces in excess of the requirement. Two spaces are handicap accessible (one is van accessible) as required by the UBC. Please see Parking Discussion.

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

I. Design Standards:

7. Roof-mounted mechanical equipment shall be screened from view.

As indicated on the elevation drawings, roof-mounted equipment will be completely screened from view on all sides.

8. Loading and delivery areas should be separated from parking and pedestrian areas.

An ophthalmology clinic, optical shop and administrative office have no need for loading areas. All deliveries are made by automobile or small van. For functional reasons, deliveries need to come in through the main clinic doors to be signed for by the receptionist at the front desk. For these

**Design Review Application
Eye Health Northwest (Boyd & Underwood Addition)
R1 1E 36AC (Supplemental) Tax Lots 12501 & 12502**

reasons, delivery areas will be integrated into the parking areas adjacent to the building entries.

9. A minimum of 80% of the floor space shall be designed as enclosed mall.

This provision was intended for and addressed within the construction of the main buildings of the shopping center. The proposed building is a free-standing structure similar to McGrath's, Shari's, and the three adjacent dental clinics. As a result a covered pedestrian walkway would not be practical nor would it be aesthetically pleasing.

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

As shown on the site plan, the trash area will be completely enclosed. As addressed above, there is no need for an enclosed delivery/loading area.

V. The site plan and building orientation/design shall address the following guidelines:

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

The proposed building is designed to complement the surrounding buildings by using similar, but not identical, materials and architectural style. The building will have brick siding with dark metal trim. The majority of the roof will be flat, surrounded by a brick and metal parapet. The actual roof surface will not be visible from street level. The remainder of the roof will be a painted, sloped, standing seam metal roof. The location, orientation and appearance of the building on the lot will integrate smoothly with the existing dental offices in the Milwaukie Marketplace Professional Offices complex.

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

We are developing the last Lots of the last Parcel to be developed in the Marketplace. As such, we are conforming to the precedents and the access ways previously established at the site. All vehicular access will be from the existing internal drive within the Marketplace utilizing the existing access point previously developed for Lots 3 & 4 of Parcel 7. Parking on-site will be sufficient for all patient and most staff needs. Shared parking with the Professional Offices is in compliance with the limits and regulations specified in Section 1400 and in the Marketplace Declarations. Overflow staff parking will utilize the common parking area of Parcel 6. Traffic flow for medical and dental offices is moderate and usually spread evenly throughout the day. There will be limited traffic flow on Saturday

**Design Review Application
Eye Health Northwest (Boyd & Underwood Addition)
R1 1E 36AC (Supplemental) Tax Lots 12501 & 12502**

morning and little or no flow the rest of the weekend and in the evening. Proposed sidewalks are sufficient for adequate pedestrian and handicapped access to the building and to surrounding development.

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

Isolating the parking and maintaining close proximity to the building maximizes safety and convenience. Parking will be sufficient so that patients and optical customers will not have to cross over the primary thoroughfare of the complex to reach the building.

4. Be designed to consider crime prevention techniques.

All portions of this site are visible from the Marketplace and/or SE 37th Ave. The entry and exit points will be well-lit and easily visible/accessible to City of Milwaukie Police and/or Shopping Center patrol from SE 37th Ave and the internal driveway. The patio door on the south side of the building will be well-lit by lights aimed toward the building and away from the NR and will normally be used only during daylight hours.

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

Signage will be informative, but unobtrusive, consistent with the professional nature of the site. The intent is to provide direction from the immediate vicinity to the building, not to attract attention from traffic on the Expressway. An individual monument sign will be located at the northeast corner of Lot 1, consistent with the Conditions and Restrictions of the Boyd/Underwood Addition.

**Eye Health Northwest
Milwaukie Marketplace
Boyd & Underwood Addition
Parcel 7, Lots 1 & 2**



**11306 Division St. • Oregon City, OR 97045
10818 S.E. Oak St. • Milwaukie, OR 97222
503/656-4221**

**Transportation Planning Review
Addendum to Review Application**

A. Proposal

We propose to construct a medical office building containing an ophthalmology clinic, retail optical shop and administrative offices on this site to accommodate the clinic and optical shop of Oregon Eye Care and the administrative offices of Eye Health Northwest. These offices are currently located in the Shops "A" section on the north side the Marketplace and will be moved to the new building, vacating the site in Shops "A".

The site for proposed development consists of lots 1 & 2 of parcel 7 within the Boyd/Underwood Addition of the Milwaukie Marketplace Shopping Center. Parcel 7 was previously subdivided into 5 lots (S-94-01) with the 3 westernmost lots (3-5) developed as 3 separate dental offices. The 40,955 square foot site comprising Lots 1 & 2 of Parcel 7 fronts onto SE 37th Avenue and makes up the last portion of the Milwaukie Marketplace to be developed.

This site is zoned Community Shopping Commercial (C-CS). Because of the concurrent Community Shopping Center Review application, a developmental review process by the Planning Commission using a Minor Quasi-Judicial Review will be required.

An access variance (VR-94-03) was previously granted for the three westernmost lots of parcel 7 to allow the three dental clinics to utilize existing internal circulation roads of the shopping center. The Community Development Staff Report on this issue recommended that "Lots 1 & 2 will also utilize easements for access even though they front SE 37th Ave. This is occurring at the insistence of Public Works staff in order to limit access points onto SE 37th Ave. at the Milwaukie Marketplace location."

B. Approval Criteria

Comprehensive Plan Goals and Policies:

Those relating to transportation (specifically Goal Statement and Objective #9, Policies 1, 3, & 6) were addressed in the original planning of the Marketplace and City Planning Staff have indicated that the current proposal falls within these guidelines and criteria.

According to City Planning Staff, no other goals or policies are applicable.

Design Review Application

**Eye Health Northwest (Boyd & Underwood Addition)
R1 1E 36AC (Supplemental) Tax Lots 12501 & 12502**

Zoning Ordinance Sections:

Section 501: Off-Street Parking and Loading

This proposal satisfies the following purpose criteria:

- provides adequate off-street parking (see Parking Discussion)
 - no loading area is needed for this proposed use (see CSC application Section 315.4.IV.I.4)
- avoids congestion on the streets (See Trip Generation Report)
- avoids unnecessary conflicts between vehicles and pedestrians (See site plan)
- encourages the use of:
 - bicycles (see site plan)
 - mass transit (see CSC review application section 315.4.IV.F)
- facilitates access from streets and structures to off-street parking lots (see site plan)

Section 505: Bicycle Parking

505.1 Applicability

Bicycle parking will be provided.

505.2 Number of spaces

The number of bicycle parking spaces shall be at least 10% of the required automobile spaces.

Our proposal requires 38 automobile parking spaces and will provide the required 4 bicycle spaces ($38 \times 10\% = \sim 4$ spaces).

505.3 Space Standards and Racks

The requirements for space dimensions, access aisle, overhead clearance and anchoring of bike rack are met as indicated in the plans.

505.4 Location

- A. As indicated on the site plan, the bicycle parking facilities meet the 7 specified criteria.
- B. Public right-of-way or public sidewalk will not be used for bicycle parking.

505.5 Covered Parking

Covered parking is not required for the proposed development, but will be provided voluntarily.

505.6 Lighting

The bicycle parking facilities will be illuminated at least as well as the automobile parking areas.

Section 506: Carpool and Vanpool Parking

The proposed development has less than 50 employees and therefore does not require dedicated carpool/vanpool parking. However, one carpool/vanpool space is planned.

Other Criteria: None

Design Review Application

Eye Health Northwest (Boyd & Underwood Addition)

R1 1E 36AC (Supplemental) Tax Lots 12501 & 12502

TEXT OF CRITERIA:

From the Zoning Ordinance:

1403.4 Criteria

Compliance with the Standards and Procedures of:

A. Section 1400**1402 APPLICABILITY**

City Planning Staff indicate that the standards and procedures of Section 1400 apply to the proposed development.

1403 DEVELOPMENT REVIEW PROCESS**1403.1 Type II process**

The concurrent CSC review application requires a Minor Quasi-Judicial review.

1403.2 Coordinated review

The proposed development is within 200 feet of State Highway 224. City Planning Staff will notify ODOT, Tri-Met, METRO and Clackamas County.

1403.3 Consolidated review

City Planning Staff will coordinate review if indicated.

1404 ACCESS CONTROL STANDARDS AND GUIDELINES

There is no corridor design plan for this area. The proposed development does not require direct access to Hwy 224 or to the intersection of Hwy 224 and SE 37th Ave. Access issues were addressed in the original plan for the Milwaukie Marketplace and took planned future expansion into consideration. This proposal will have less impact than the retail use originally planned. City Planning Staff will confirm that access is consistent with applicable standards of the State Highway Plan.

1405 TRANSPORTATION IMPROVEMENT STANDARDS

The submitted site plan reflects applicable standards from Table 1405. According to City Planning Staff, Sections 1405.1-5 require no specific improvements for the proposed development.

Design Review Application**Eye Health Northwest (Boyd & Underwood Addition)****R1 1E 36AC (Supplemental) Tax Lots 12501 & 12502**

1406 INTERNAL CONNECTIONS

1406.1 General walkway standards

These criteria are addressed in the site plan. All proposed walkways are as direct as possible with little or no out-of-direction travel. Wheel-stops and curbs will prevent vehicle overhang.

1406.2 Connections to the right-of-way

The site is presently connected to the street sidewalk in the right-of-way along SE 37th Ave by a sidewalk bordering the northern side of Lot 1. We propose a second connection from the northeast corner of the building to SE 37th Ave. street sidewalk that will provide direct access to the front of the building.

1406.3 Connections between developments

At least one vehicular and one pedestrian connection are currently available to surrounding development.

1407 TRANSIT STOPS

The Marketplace is currently served by Tri-Met bus #152 with one stop in front of Albertson's and another directly across the internal drive from Parcel 7, lot 4. Since this Parcel is a small portion of the overall center, we will rely on the facilities provided by the Milwaukie Marketplace for transit services.

1408 BUILDING ORIENTATION

1408.1 Orientation to a transit street

The building orientation is designed to maximize visibility and access from the Marketplace internal drive, although the primary entrance will be easily visible to southbound traffic on SE 37th Ave and directly accessible from SE 37th Ave. via sidewalk. The building entrance will directly face the Tri-Met stop on the internal Marketplace drive.

1408.2 Maximum setbacks

The building falls within the minimum 20 feet and maximum 30 feet setbacks from SE 37th Ave.

1409 REDEVELOPMENT

Not applicable.

B. Applicable zoning district (section 300)

The proposal is in compliance with the standards of the Community Shopping Center Zone (Section 315). Please refer to the concurrent CSC review application for the specific criteria.

C. Supplementary regulations (section 400) and parking standards (section 500)**Section 400**

According to City Planning Staff, the standards of Section 400 are not applicable to the proposed development.

Section 500**503 Off-Street Parking Standards****503.1 General provisions**

- A. Off-street parking is required and will be provided at the time the structure is erected or prior to the issuance of a certificate of occupancy
- B. Shared parking is approved and available in the common area of Parcel 6 the Marketplace. This parking is within 300 feet of the principal structure, but will only be used as needed for overflow staff parking during daylight hours
- C. The property owner will comply with the regulations of Section 500 and will maintain the parking area.
- D. Parking areas will be used by customers, patients and employees only and will not be used for storage of materials or vehicles.

503.2 Shared parking

See section 503.1.B above and the Declarations of Restrictions and Grant of Easements of the Milwaukie Marketplace. Shared parking on Parcel 7, Lot 4 will be requested in writing from the owner of Lot 4 in accordance with the Conditions and Restrictions of the Boyd & Underwood Addition. If granted, the approval will be submitted to the City.

Note: Shared parking is not necessary for this proposal to meet the requirements of Section 503.9.

503.3 Minimum number of required spaces and maximum allowable

Table 503.9.G.3 (Commercial uses - services - Health practitioner's office) pertains to our proposed development with a minimum of 4 spaces per 1,000 square feet and a maximum of 5 spaces per 1,000 square feet of floor area. Given a proposed floor space of 8300 square feet (plus 850 square feet for a possible future addition) the required minimum is 38 spaces and the maximum allowable is 47. We propose a total of 41 spaces (see Parking Discussion)

Design Review Application**Eye Health Northwest (Boyd & Underwood Addition)****R1 1E 36AC (Supplemental) Tax Lots 12501 & 12502**

503.4 Special exemption from maximum allowable

Not applicable

503.5 Determination of parking zone classification

This area is designated parking **Zone B** (peak hour service availability for transit stop is 30 minutes).

503.6 Determination of required parking for unlisted uses

Not applicable

503.7 Reduction of required parking

A. The development is within 500 feet walking distance of a transit stop.

B. Not applicable

C. One carpool/vanpool space is provided near the entrance to the building (see site plan).

Note: While we qualify for a 20% reduction in parking (10% for proximity to transit stop and 10% for carpool/vanpool space), the current proposal does not take this reduction.

503.8 Modification of minimum and maximum parking

Not applicable

503.9 Number of required off-street parking spaces

See 503.3 above.

503.10 Off-street parking space standards

Minimum dimensions for 90° parking spaces and aisles are observed in the site plan. The 41 proposed spaces are divided as follows: 20 regular spaces, 19 compact spaces (<50% maximum allowed) and 2 handicapped spaces.

503.11-17 These standards are reflected in the site plan.

503.18 Park-and-ride facilities

Not applicable

503.19 Landscaping

The perimeter and interior landscaping criteria are addressed in the landscape plan as required by Section 503.19.H.

503.20 Parking plan

The 10 required elements of a parking plan are incorporated into and addressed in the site plan.

Design Review Application

Eye Health Northwest (Boyd & Underwood Addition)

R1 1E 36AC (Supplemental) Tax Lots 12501 & 12502

503.21 & 503.22 Not applicable.

504 Off-Street Loading Standards

An ophthalmology clinic, optical shop and administrative office have no need for loading areas. All deliveries are made by automobile or small van. For functional reasons, deliveries need to come in through the main clinic doors to be signed for by the receptionist at the front desk. For these reasons, delivery areas will be integrated into the parking areas adjacent to the building entries.

505 Bicycle Parking

See discussion above.

506 Carpool and Vanpool Parking

See discussion above.

507 Structured Parking

Not applicable

D. Applicable corridor plan

There is no corridor plan in effect for this area
(please refer to Section 1404 above)

C. Site plan/map

All 14 items required are noted on the attached site plan.

D. Specific Requirements

At a pre-application meeting held August 19, 1999, City Planning Staff requested no additional specific application requirements and indicated that a new traffic analysis was not necessary.

E. Notice labels and map

A tax lot map and required notice labels accompany this application.

F. Fee

Check covering all application fees accompanies this application.

Design Review Application

Eye Health Northwest (Boyd & Underwood Addition)

R1 1E 36AC (Supplemental) Tax Lots 12501 & 12502

6.1 _____

RECEIVED
SEP - 9 1999GIFFIN • BOLTE • JURGENS, P.C.
ARCHITECTS

August 31, 1999

Richard Adelman A.I.A.
Giffin Bolte Jurgens p.c.
815 SW Second Avenue
Portland, Oregon 97204

Re: EyeHealth Northwest
Natural Resource Evaluation

Dear Richard:

This letter is written at the request of the EyeHealth Northwest Physician's Group regarding a proposed building site in the City of Milwaukie. On 26 August 1999, PBS Environmental was contracted to evaluate the quality of existing natural resources within and immediately adjacent to the project site. Special notice was taken of the Minthorn Spring drainage and previously identified wetlands, which occur south and west of the proposed development (See Figure 1).

On 30 August 1999, PBS evaluated the site's natural resources during a field walkthrough. According to a prior natural resource evaluation by Dr. Martin Schott (1994), this drainage and associated pond was man-made and developed as part of a landscaping plan for the Milwaukie Marketplace. This building site is dominated by weedy species including bentgrass, thistle and teasel. The southern margin of the site is heavily lined with Himalayan blackberry and a few cottonwood saplings. The adjacent drainage contains large quantities of Himalayan blackberry and reed canary grass along the shoreline with canary grass and common rush dominating the emergent wetland zone.

In general, the habitat quality of this narrow natural resource area is considered good to excellent. The "wetlands reserve" drainage created by Minthorn Spring provides important habitat components such as food, water and cover for waterfowl, fish and other wildlife. Additionally, this man-made corridor and its associated riparian areas

provide important storm water retention and filtering capability during periods of heavy rainfall. This drainage flows under 37th Avenue, providing an important hydrological connection to a 4-acre wetland mitigation site east of the proposed development. A brief investigation of the adjacent natural resource areas indicate that the shoreline of this drainage has been landscaped with natural vegetation and provides similar enhancement opportunities for the identified building site.

Although the drainage adjacent to the site is not subject to City of Milwaukie NR regulations, PBS recommends the following measures to ensure protection of the natural resources associated with Minthorn Spring:

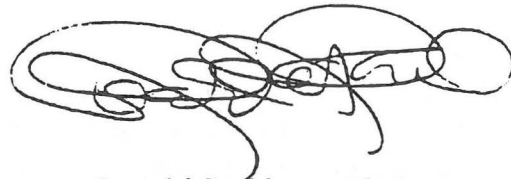
- Establish a minimum 10-foot building setback from the margin of the drainage along the southern end of the site. This setback or buffer is consistent with the identified natural resource or "NR" boundary established by the City of Milwaukie (See Figure 2).
- Remove invasive Himalayan blackberry between the proposed development and the southerly drainage.
- Enhance the site's habitat value by planting native vegetation within and adjacent to the buffer area. All enhancement activities would be coordinated with a wetland biologist to avoid impact to the identified wetlands along the pond. This conceptual planting plan should be consistent with adjacent landscaping to stabilize the bankline, reduce erosion, increase wildlife accessibility while minimizing invasive vegetation.

Thank you for the opportunity to assist you in this project. If you have any questions or comments do not hesitate to call our office.

Sincerely,



Bridget Canty
Ecologist



Ronald Rathburn, Ph.D.
Senior Ecologist
Principal

BC/bc

SCHWARTZ ASSOCIATES
Site Planning and Landscape Architecture
812 N.W. Seventeenth Avenue, Suite 200
Portland, Oregon 97209
(503) 227-5750

6.1 _____

October 27, 1999

John Gessner
City of Milwaukie
Community Development
Fax: 774-8236

Project: Eye Health NW
Regarding: Clarifications to Landscape Plan

Dear John:

In accord with our phone discussion this morning, we offer the following clarifications:

PATH

The path as proposed is simply a barkdust footpath. It could be removed, especially if grades make impractical.

NATURAL AREA WORK

We propose work in the Natural Area to comprise debris removal and removal of invasive blackberries or similar species under the direction of an ecologist. The intent is to allow the existing native species to grow.

BLACKBERRY/INVASIVE SPECIES REMOVAL


Blackberry and invasive species in the Natural Area will be removed manually as recommended by the ecologist. Heavy machinery that could damage native plants will not be used.

GRADING

Grading will occur only north of the northmost Natural Resources Boundary Line. Grading is not proposed in the Natural Area.

Please feel free to call with any questions. We look forward to incorporating these refinements in the next submittal, and we look forward to a successful project.

Thank You,


Michael C. Schwartz
Landscape Architect

(503) 227-7858 fax

cc Steve O'Shea, GBJ



TO: Planning Commission

THROUGH: Alice Rouyer, Planning Director *ARR*

FROM: Lisa Nasshahn, Contract Planner *LN*

SUBJECT: CU-99-04, VR-99-06, TPR-99-08 Dr. Kenneth and Wan-Fen Chung.
Change of use from housing to dental clinic.
Applicant: Dr. Kenneth and Wan-Fen Chung

REPORT DATE: November 2, 1999

HEARING DATE: November 9, 1999

Action Requested

Approve applications TPR 99-08, CU 99-04, VR 99-06 authorizing change of use and site modifications to allow conversion of an existing residential structure (four housing units) to a professional office at 3245 SE Campbell Street.

Background

Location: 3245 SE Campbell
See Exhibit A—Vicinity Map

NDA: Historic Milwaukie

Zone: High Density Residential—R2

Lot Size: 13,886 s.f.

Map & Tax Lot: 11E36AB06401, 11E36AB08200

Summary Project Description

The applicant proposes redevelopment of an existing four unit dwelling structure to accommodate a dental clinic. The change requires an extensive remodel of and addition to the structure, together with site improvements to comply with current zoning standards. Comfort Dental is currently located across Oak Street at the Milwaukie Marketplace, but intends to move to this location.

The applicant characterizes the physical changes as follows: “exterior improvements will consist of new siding, stone or masonry accents and base, new energy-efficient window assemblies and new roofing. Site improvements will include: enlarging on-site parking area, providing an

accessible building entrance, and landscape improvements—including street trees, landscape lighting and an irrigation system.” Use of the building as a dental clinic will require substantial demolition of the interior space to reconfigure it for treatment rooms, offices, and other uses typically accessory to a dental office. See Exhibits B—Proposed Building Elevations, C—Existing Floor Plan, D—New Floor Plan (draft only), and E—Site Plan.

The site is located just north of Highway 224. Campbell Street bounds the site on the northeast, Myrtle Street on the northwest and Oak Street on the southeast. Railroad tracks are immediately across Campbell Street to the northeast. Milwaukie Marketplace is across Oak Street to the southeast. Residential uses are across Myrtle Street to the northwest and adjoin the site to the southwest.

The use will change from residential to professional office. The applicant submitted the following information regarding proposed operations.

- Maximum number of employees working in the facility at one time: 8
- Total number of operatories/treatment rooms: 8
- Days and hours of operation:

Monday:	7:00a.m.-4:30p.m.
Tuesday, Thursday, Friday:	8:00a.m.-5:30p.m.
Wednesday:	9:30a.m.-7:00p.m.
Saturday ¹ :	8:00a.m.-4:00p.m.

Proposed Land Use Reviews

- The conditional use review will consider the change of use from residential, a use permitted outright in this zone, to professional office, a permitted conditional use in this zone per Milwaukie Zoning Ordinance (MZO) Section 306. This conditional use is reviewed per criteria listed in Sections 601.2 and 602.
- The variance review will consider two requested variances to the off-street parking landscaping and screening standards MZO Section 503.19A. Variance 1 requests a reduction of the required on-site parking by one stall to allow space for required setbacks and parking area landscaping. Variance 2 requests elimination of the requirement for landscaping in the 6’ buffer between the parking area and the adjacent property. An existing easement precludes plantings in this area. The applicant offers fencing instead of plantings. Variances are reviewed per criteria listed in MZO Section 702.1.
- The transportation planning review will consider the proposal’s compliance with transportation planning regulations per MZO Section 1400.

Site History

There are two past land use reviews regarding this site, ZC-77-1 and C-77-12. ZC-77-1 was an application for zone change from A2, Apartment Residential, to A1b, Apartment-Business Office Residential. The applicant wanted the change to obtain professional office as an outright permitted use. The zone change was denied; professional office was already a conditional use in the existing zone and the Planning Commission expressed a need to retain some oversight of uses on this site. C-77-12 applied for approval of conditional use for professional office use. The

¹ Saturday operations run at approximately one half the normal level of staff and patient load.

Planning Commission approved the application with conditions. Evidence indicates that the approval was not implemented by construction of an office building. Instead, city sewer records indicate the four-apartment structure has existed on the site since at least 1979.

Analysis

Conformance with Section 600-Conditional Uses

A. *The site meets the requirements of a conditional use in the zone currently applied to the site.*

The proposed dental clinic is among the conditional uses permitted in the current zone (R-2) per subsection 306.2, Conditional uses permitted.

B. *The use meets the standards for the underlying zone.*

306 Residential Zone R2

Standard	Required	Proposed	Compliance	Comments
Lot Size	5000s.f.	14,588s.f.	Yes	
Lot Width	50'	210'	Yes	
Lot Depth	80'	63'	No	Lot depth varies –63' on northern end, 75.95' on southern end. Lot is existing.
Front Yard	15'	20.8'	Yes	
Rear Yard	15'	8'	No	Existing deck encroaches into setback (see p.7, below)
Street Side Yard	15'	16.8'-Oak St. 15'-Myrtle St.	Yes	
Yard Abutting a major street	30' from centerline of Oak St.	45' from centerline	Yes	
Off-street parking and loading			No	See parking analysis (p. 4), and variance review (p. 8) below
Height restriction	The lesser of: 3 stories or 45'	26.8'	Yes	
Lot coverage	Maximum 45% of lot area (max. 6248 s.f.)	16% of lot area (2244 s.f.)	Yes	
Minimum vegetation & open space	35% of lot area (min. 4860 s.f.)	5276 s.f.	Yes	
Access requirements			Yes	Lot fronts on 3 streets.
Transition area				Not applicable
Minimum density				Not applicable

The proposed development deviates from three current site development standards:

- The lot width is less than the required 80'. Section 410 allows use of an existing, previously platted lot, subject to the other requirements of the zone in which the property is located. The section includes an absolute minimum lot size of 3000sq. ft.

These lots are existing and exceed the above-mentioned minimum, so they may be developed per current zoning standards.

- The existing deck and proposed stair encroach into the 15' rear setback. The applicant did not apply for a variance to this standard. This issue is addressed in **Standards Governing Conditional Uses**, p. 7, below.
- The applicant is unable to meet all parking and loading standards, and has applied for two variances to the standards. This issue is addressed in **Parking and Loading**, immediately below, and in *Conformance with Section 700—Variances*, p. 8, below.

500 Off-Street Parking and Loading

The applicant is required to provide 15 off-street parking spaces. The site is in Zone A and is within 400 sq. ft. of a transit route. A 15% parking reduction is allowed by Section 503.8 B, provided the proposal 1) will not increase site congestion; 2) will not result in traffic hazards on the site or adjoining streets; and 3) will not result in an undue reduction in the availability of on-street parking or parking located in facilities owned and/or operated by the City. The 15% reduction would result in the reduction of required parking from 15 to 13 spaces.

The proposal meets the three preceding criteria in the following ways:

1. The configuration of the parking area, with two driveways and a two-way aisle will accommodate on-site parking without site congestion.
2. The two driveways will allow flow of traffic through the site and onto either of Campbell or Myrtle Streets. Acceptable sight lines exist on Myrtle and Campbell Streets to allow traffic to safely enter and exit the site. The reduction will not diminish the capability of the site, or the adjoining streets, to safely accommodate traffic flow.
3. There will be on-street parking sufficient to accommodate at least 6 vehicles along the Campbell Street frontage of the site. Because the clinic is the only use on this block, and the rail line is the only use on the other side of Campbell Street, little on-street parking for purposes other than access to the clinic is likely to occur in this area.

The proposed parking area complies with the standards of Section 500, with two exceptions. The applicant proposes 12 on-site parking spaces instead of the minimum of 13. This issue is addressed in Variance 1, below. The other exception is due to an existing access easement that precludes installation of landscaping in the buffer area between the parking area and non-street lot lines, as required in Section 503.19 A2. This problem is addressed in Variance 2, below. Approval of the variances will allow the site to be in compliance with Section 500.

C. *The proposal satisfies the goals and policies of the Comprehensive Plan, which apply to the proposed use.*

Applicant's response

"The proposed development is a remodel to an existing building and, per the direction of the Planning Staff during the Pre-Application conference, Comprehensive Plan Goals and Policies are not applicable."

Staff Response

The proposed project is a redevelopment with a substantial remodel and change of use. The Comprehensive Plan Goals and Policies are, indeed, applicable. Housing retention and commercial development goals are at issue in this situation.

- The Residential Land Use and Housing Element goal statement emphasizes the importance of maintenance and rehabilitation of existing housing and the provision of new housing.
- The Economic Base and Industrial/Commercial Land Use Element goal statement highlights the expansion of service facilities in the community.

The present proposal is in conformance with the Economic Base element, while the change of use from residential to office is not in conformance with a goal of maintaining existing housing. A mixed use development would fix the problem, but this parcel is not included in any areas where the Mixed Use Overlay is applied. Therefore, the city lacks regulatory authority to require a mixed use development.

For guidance in resolving this issue, staff referred to Economic Base and Industrial/Commercial Land Use Element Objective #6—Commercial Land Use, Policies:

1. *New commercial developments or redevelopments shall be located in designated areas unless expansion or creation of a new commercial designated area is justified as per Policy 2, below.*
2. *Expansion or creation of commercial designated areas will be evaluated against the following criteria: (a) those having an historical commitment to commercial use, (b) access to a transportation network appropriate for the scale of development proposed, (c) significant traffic increase shall not result on streets of collector or less status serving low density residential areas, (d) that no more suitable location(s) exist within the City for this designation, (e) that zoning allowed by the designation is compatible with adjacent uses, and (f) compliance with all applicable Plan policies, including the Regional Center Master Plan.*

The project meets the criteria as follows:

- (a) Land use review case C-77-12 approved a conditional use application for a professional office use on this site, although apparently the applicant never implemented the approval.
- (b) The development has good access to an appropriate transportation network, including Highway 224, Oak Street, and a Tri-Met bus route.

- (c) There will be no significant traffic increase on streets serving nearby low density residential areas because the dental clinic is a small professional office and most traffic will utilize Oak Street and Highway 224.
- (d) This is a particularly suitable location for a small-scale professional office such as proposed. The site has good connections with the Milwaukie Marketplace across Oak Street, and continues a pattern of commercial uses on the northwestern side of Oak Street. Use of this site for professional office will provide nearby residential uses with visual and noise buffering from the rail use across Campbell Street.
- (e) The proposed use is an allowed conditional use in this zone. The conditional use review will ensure that the project is compatible with adjacent uses.
- (f) The Regional Center Master Plan envisions this area as "primarily office and retail uses with an FAR of .5 with dwelling units as secondary uses."

The project's consistency with these criteria and, importantly, conformance with the Regional Center Master Plan land use concept for this area allows a conclusion that this project satisfies the goals and policies of the Comprehensive Plan.

- D. *The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements, and natural features.*

Applicant's response

The size of the site and existing building are well suited for the proposed Dental Clinic. The lot accommodates the building, parking and significantly more than the minimum required vegetation and open space area.

The elongated, rectangular shape of the site is ideal for the proposed use. It allows maximum street frontage and visibility for the building, as well as safe and efficient parking access.

The property location is also ideal for the proposed use. The small scale, residential character Clinic would serve as a good transition between the residential properties to the north and west and the commercial parcels to the southeast. The Clinic's frontage on Oak Street will be visible from the Milwaukie Marketplace, where the current clinic is located.

The property is entirely level, providing optimum site vehicular and pedestrian accessibility.

The existing apartment building is of an appropriate size and location on the property. Only minor exterior building alterations are necessary (primarily for improved circulation and ADA access) to enable the building to accommodate the Dental Clinic. The existing parking area will be expanded to fit the required number of spaces, and the majority of the existing site walkways will be retained.

There are only a few natural features currently on site. There is a 9" pine tree along Campbell Street, close to the intersection of Oak Street, which will be retained. The majority of the site vegetation is rendered in grass, most of which will be replaced with evergreen, flowering shrubs and groundcover per the landscaping plans.

Staff response

The size and shape of the lot are suitable for the proposed use and required parking, as reduced by approval of Variance 1, below. The site is appropriate for an office use, as it is situated across the street from the Milwaukie Marketplace and faces the railroad right of way across Campbell Street. Residential uses are arranged to the rear of the site, and across Myrtle Street. The proposed use will serve as a transition from the Milwaukie Marketplace to the residential uses and will provide some screening and noise buffering from the rail use. The topography of the lot presents no obstacles to the site changes proposed. The proposed use will occupy the existing structure; the existing parking area will be expanded and reconfigured. There are no natural features on this site.

- E. *The proposed use is timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.*

Applicant's response

The vicinity surrounding the proposed site is currently a mix of residential, commercial and retail uses. The Milwaukie Marketplace, just across Oak Street, provides a wide range of public services including a grocery store, various retail outlets, fast food and higher quality restaurants, offices and the current home of the Milwaukie Comfort Care Dental Clinic. The usage of the existing clinic is a significant factor in the Applicant's desire to relocate to the proposed location on Campbell Street. They have a strong client base in the area, and would like to remain close, but would like additional space and to improve the professional image and appeal of their facility. One Tri-Met bus stop exists, approximately one block away at the Milwaukie Marketplace.

Staff response

Vehicular traffic to the site will be accommodated by existing collector streets and Highway 224. The area is served by public transit. The current building is connected to City sanitary sewer and water. Transportation systems and public services and facilities are adequate for the area affected by the use.

602 Standards Governing Conditional Uses

The existing structure and the proposed clock tower meet the height standard for the R2 zone. The front and side yards meet the yard standard in Section 602. The existing deck and proposed stair on the rear of the building results in a rear yard reduced below the 15' standard in both Sections 306 and 602. **Conformance with current zoning standards is a criterion for approval of both the conditional use application and the transportation planning review application.**

Apparently the deck is affected by rot and the applicant intends to remove about half the length of the deck. Removal of the entire deck will bring the structure into compliance with both the conditional use and the R2 yard standards. The ground-level rear outdoor area can serve as an outdoor break and lunch space for staff of the clinic. The second-floor deck is a nice amenity for staff, but because other space exists for an outdoor amenity, reducing the effects of the conditional use on neighboring residential uses—by meeting the yard requirement—takes priority. Therefore, removal of the deck is required in the conditions of approval.

The applicant proposes to retain the existing parking lot entrance from Campbell Street and add one from Myrtle Street. Myrtle is a residential street that dead-ends at Highway 224. The Myrtle Street entrance to the proposed clinic is shown on the site plan to be 15'6" from Campbell Street. Traffic entering and exiting the clinic will utilize Campbell Street; traffic impact on Myrtle Street will be minimal.

The applicant proposes the main entrance to the clinic to be on the front of the existing building, on the Campbell Street frontage. This entrance will have no negative impact on adjacent residential property; residential uses are located to the rear of the site.

Conformance with Section 700—Variances, Exceptions, and Home Improvement Exceptions

The applicant applies for two variances to standards included in Section 500—Off-Street Parking and Loading. A variance may be granted only when the Planning Commission or Planning Director finds all of the following criteria are satisfied.

Criteria for granting variances:

- A. That the property in question has unusual conditions over which the applicant has no control. Such conditions may only relate to physical characteristics of the property, lot or boundary configurations, or prior legally existing structures.
- B. That there are no feasible alternatives to the variance and that the variance is the minimum variance necessary to allow the applicant the use of his/her property in a manner substantially the same as others in the surrounding area.
- C. That adverse effects upon other properties that may be the result of this variance shall be mitigated to the extent feasible.

Variance 1

The applicant asks for a one stall reduction of the required on-site parking in order for the parking area to be fully in compliance with the landscaping and screening standards of Section 500.

Applicant's Response

The property has unusual conditions in that it is already occupied by a structure that the applicant will redevelop. The applicant gives the following figures in support of the argument that there exist no feasible alternatives to the variance:

"The existing dimension from the edge of the building to the property line along Myrtle Street is approximately 124'. This is insufficient as supported by the following dimensional requirements:

Side yard setback (including curb):	15.5'
Interior landscape island (including curbs):	7'
Landscape buffer to building (including curb):	6.5'
Sub-Total:	29.0'
Remaining:	95.5'

To accommodate the twelve spaces that would be required in addition to the one handicapped stall proposed adjacent to the building, we would need at least 99'. This is based on maximizing the allowable 50% compact parking stalls (6 spaces at 9' each and 6 spaces at 7'6" each, for 99' total). With the 95' remaining after satisfying all of the required buffers and setbacks, the best scenario we can propose is the following:

7 standard spaces (9' each):	63.0'
4 compact spaces (+/- 8' each):	32.0'
Total:	95.0'

Other parking area configurations were examined; none were found to accommodate all the required standards. No feasible alternatives to the variance exist.

The variance should have little to no impact on adjacent property owners. The on-street parking that could potentially occur as a result of the variance would most likely occur on Campbell Street, in front of the building and closest to the entrance. The southwest side of Campbell Street could comfortably accommodate 6 vehicles. Immediately across this street from the site is the Southern Pacific railway line. Any parking that might occur along Oak Street, adjacent to the site, should have no adverse effects due to the retail/commercial use across the street at the Milwaukie Marketplace. Parking along Myrtle Street, which could be disruptive because of the residential nature of the street, would be highly unlikely due to the distance to the building and the availability of on street parking closer to the entrance.

Staff Response

Removal of one parking stall will enable the applicant to comply with required setbacks and landscaping. No feasible alternatives exist which will accommodate 13 parking spaces, together with all required setbacks and landscaping. Compliance with setbacks and landscaping is particularly important in this situation because of the location of the use in a residential zone. The abundance of on-street parking in this area predicts that parking area overflow can easily be accommodated without adverse effects on nearby properties. A condition can be attached to this approval that complaints about on-street parking registered in compliance with Section 601.5—Reconsideration of a Conditional Use Permit will trigger a review of the conditional use by the Planning Commission. Adverse effects of the variance may thereby be mitigated.

Variance 2

The applicant asks for elimination of the requirement for landscaping in the six foot buffer between on-site parking and adjoining lot lines. Section 503.19 A2 states, "A minimum of 6 feet of landscaped buffer area shall be provided, as measured from inside of curb to inside of curb, between off-street parking area and lot line when not next to right-of-way."

Applicant's response

The property has an unusual condition, in that the lot, the building, and an 11.36' access easement along the northern half of the southwest property boundary are all existing. The configuration of the lot and the situs of the structure dictate the location and size of the parking area. Reconfiguration of the parking area presents no feasible alternatives to Variance 2. The existing access easement is for the benefit of the adjoining residential

use and may not be eliminated. The applicant proposes to install a fence between the edge of the parking area and the easement to mitigate adverse effects of the variance on the adjoining property.

Staff response

Staff concurs that the property meets the three criteria, above. There is presently no fencing between the parking area for the four-plex and the adjoining residential property. Installation of sight-obscuring fencing will mitigate any safety hazards and will reduce any parking area noise and glare from headlights.

Conformance with Section 1400—Transportation Planning, Design Standards, and Procedures

New development and redevelopment are subject to transportation planning review, as written in MZO Section 1400. The criteria for development review decisions are as follows:

- A. Compliance with standards and procedures of Section 1400.
- B. Compliance with standards of the applicable zoning district (Section 300).
- C. Compliance with Supplementary Regulations (Section 400) and parking standards (Section 500).
- D. Compliance with standards and policies of an applicable corridor plan.

This project is an extensive remodel and addition to an existing building with an existing on-site parking area. Proposed new development is in conformance with the standards of the R2 zone, with the exception of the new stairway on the rear of the building. An existing deck in the rear setback violates the current R2 rear yard standard. Removal of the deck will bring the redevelopment into compliance with Criteria B, above. This issue is addressed in Standards Governing Conditional Uses, p. 7, above, and in the conditions of approval, below.

The proposal is compliant with Section 400. Approval of the two variances will enable the project to be in conformance with parking standards listed in Section 500. No corridor plan exists for this area. The proposal is in compliance with Criteria C and D.

Section 1400 includes access standards, transportation improvement standards, transit stop improvements and building orientation requirements. These standards are not applicable here because the building is existing. To comply with Section 1406—Internal Connections, the applicant proposes an internal walkway between the parking area and the structure, and includes a pedestrian walkway between the building and the two closest adjacent streets—Campbell and Oak streets. The proposal is in compliance with Section 1400.

Comments

City of Milwaukie Public Works Department has submitted comments on the proposal. See Exhibit F .

Per informal staff notes regarding the September 9, 1999 meeting of the Historic Milwaukie Neighborhood Association: "Ken Chung of Comfort Care Dental made a presentation about his company's proposal to relocate their offices from the Milwaukie Marketplace to a four-plex across Oak Street (on Campbell). They will be filing a conditional use application, but they wanted the ideas of the neighborhood. The neighbors loved the idea that someone would be repairing that building, and they had no objection to having it be a dental office."

Recommended Findings in Support of Approval

1. The conditional use, transportation planning and variance reviews have been processed in accordance with applicable laws.
2. As conditioned, the proposed dental clinic meets conditional use criteria of MZO Section 306.2—Residential Zone R2.
3. As conditioned, the proposed dental clinic meets the applicable criteria of MZO Sections 600—Conditional Uses.
4. Variance 2 meets the criteria of Section 700—Variances, Exceptions, and Home Improvement Exceptions.
5. Variance 2 meets the criteria of Section 700.
6. As conditioned, and with approval of the variances, the proposal meets the design criteria of MZO Section 500—Off-street Parking and Loading.
7. As conditioned, and with approval of the variances, the application meets the design criteria of MZO Section 1400—Transportation Planning, Design Standards and Procedures.

Recommended Conditions of Approval

1. The requirements of the conditional use, variance and transportation planning reviews shall be implemented in conformance with the building elevations, site plan and written statements submitted by the applicant for these reviews.
2. Prior to any building permit issuance, the applicant shall submit a scaled parking and landscaping plan which conforms to MZO Section 500—Off-street Parking and Loading. The plan shall also include the following:
 - plans for improvements to sidewalks and driveway approaches in conformance with current city standards, and
 - stormwater management measures for the parking area, in conformance with city standards.
3. Prior to any building permit issuance, the applicant shall submit a revised site plan and building plans which show demolition of the rear deck, and relocation of the required second floor egress to the northwest side of the building (adjacent to the 6 foot parking area buffer).

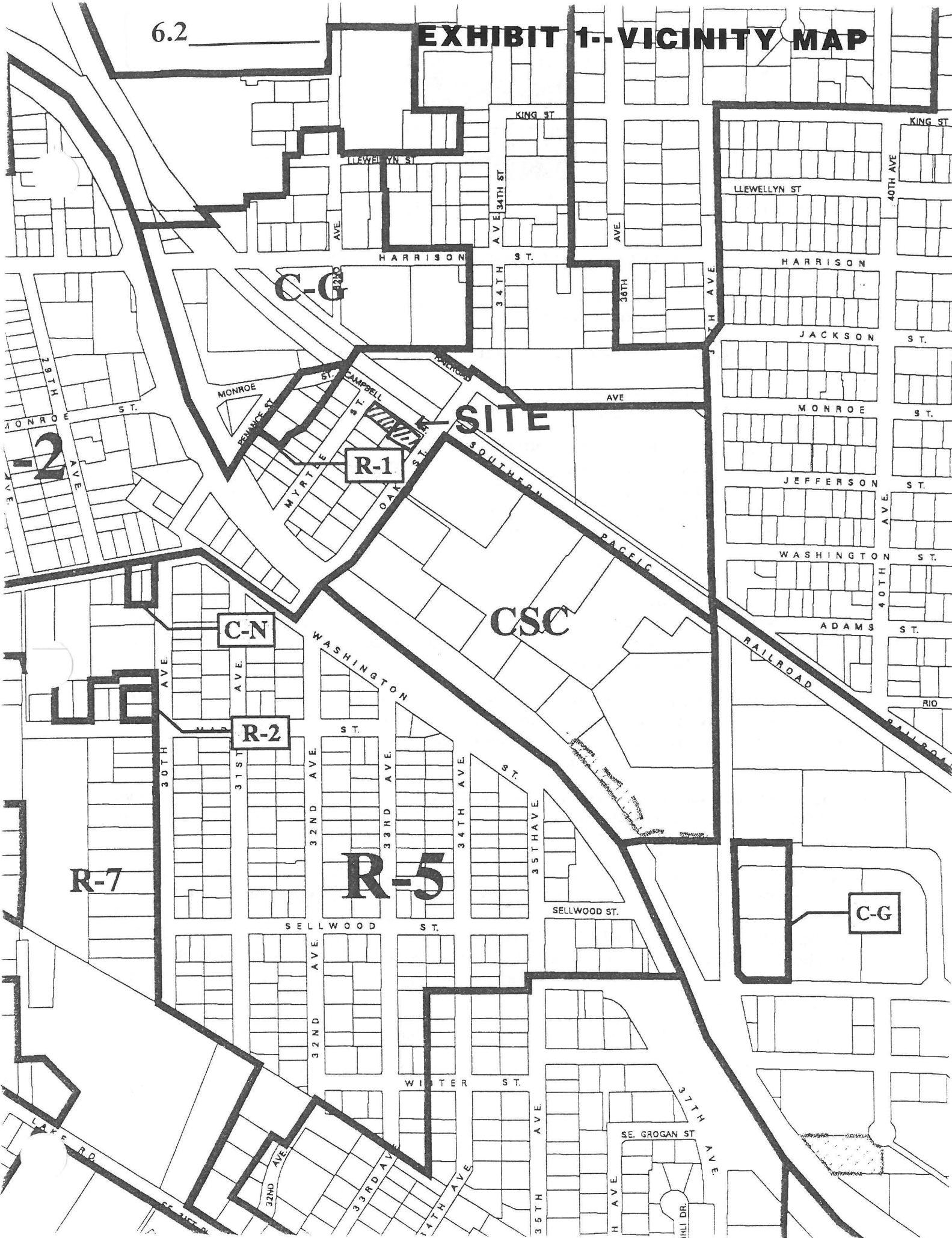
4. Prior to any building permit issuance, the applicant shall submit a complete plumbing plan.
5. Prior to any building permit issuance, the applicant shall submit an erosion control plan and application.
6. Prior to any issuance of a certificate of occupancy or final inspections as applicable, the applicant shall install a sight-obscuring 6 foot wooden fence along the northwestern edge of the parking area, adjacent to Myrtle Street, thence southerly along the lot line shared with the adjacent residential uses. The building permit site plan shall indicate the 6 foot fence as described above.
7. Prior to issuance of certificate of occupancy or final inspections as applicable, parking and landscaping improvements shall be completed.
8. Required fencing and landscaping shall be maintained for the duration of the conditional use.
9. Operating hours of the dental clinic, as described below, shall not be extended without prior review by the Planning Commission for determination of consistency with this approval.

Monday:	7:00a.m.-4:30p.m.
Tuesday, Thursday, Friday:	8:00a.m.-5:30p.m.
Wednesday:	9:30a.m.-7:00p.m.
Saturday:	8:00a.m.-4:00p.m.
10. Complaints about on-street parking submitted in conformance with Section 601.5 shall trigger reconsideration of the conditional use permit.
11. This conditional use approval shall expire if construction is not commenced within six months of the date of the Planning Commission approval.

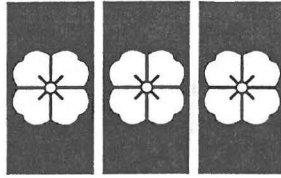
Exhibits

1. Vicinity Map
2. Site Plan
3. Proposed Building Elevations
4. Floor Plan (existing)
5. Dental Clinic Floor Plan (draft)
6. Public Works' comments

EXHIBIT 1- VICINITY MAP



C I T Y O F



MILWAUKIE

October 20, 1999

File #CU-99-04/TPR-99-08/VR-99-06

NOTICE OF PUBLIC HEARING

TO: Property Owners and Residents
ON: Tuesday, November 9, 1999, beginning at 6:30 p.m.
AT: Milwaukie City Hall
10722 SE Main Street

The MILWAUKIE PLANNING COMMISSION will consider approving a Conditional Use permit; a Transportation Plan Review; and a Variance (File #CU-99-04; TPR-99-08; VR-99-06) to remodel a 4-plex and modify it to accommodate a dental clinic. The request is being made by Dr. Kenneth and Wan-Fen Chung (applicants) and Ronald R. Stroh (property owner). The property is located at 3245 SE Campbell, Tax Lot(s) 08200 of Tax Map 11E36AB.

The site is shown on the reverse of this letter.

The criteria which will be used by the Planning Commission in reaching a decision are found in Sections 300, 500, 700, and 1400 of the Zoning Ordinance; and Chapter 4 - Land Use of the Milwaukie Comprehensive Plan. Copies of these criteria are available upon request. Testimony and comments at this hearing must be directed towards the criteria identified.

Interested persons are invited to attend this hearing or to submit comments in writing prior to the meeting time. Written testimony may be submitted in advance to the Planning Department or in person at the hearing. Those wishing to present verbal testimony, either pro, con, or to raise questions, will be asked to speak following the applicant's testimony.

Failure to raise an issue in a hearing—in person or by letter, and/or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals (LUBA) based on that issue.

The application and all documents and evidence submitted by or on behalf of the applicant, as well as the applicable criteria, are available for inspection, at no cost, at the **Planning Department, located at 6101 SE Johnson Creek Blvd. (at Linwood Ave.)**. Copies of these can be provided at a reasonable cost. **A Planning Staff Report will be available, at no cost, for public review after 8:00 a.m. on Wednesday, November 3, 1999, in the Planning Department; at the Ledding Library, local information shelf; and at City Hall, 10722 SE Main.** Copies of applicable City ordinances and the Comprehensive Plan are also available for review at these locations.

If you have any questions, please call, Lisa Nasshahn in the Planning Department at 786-7658.

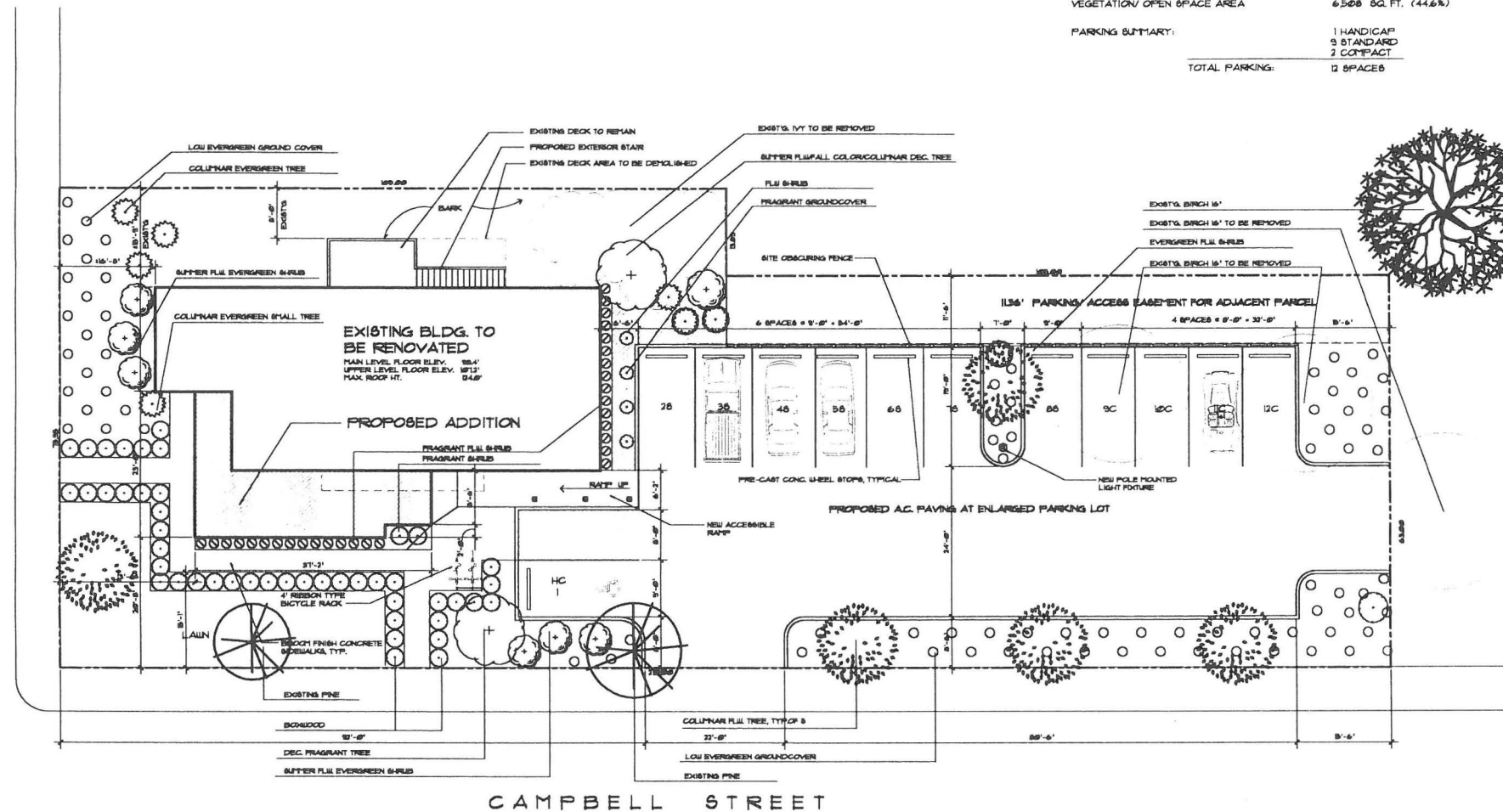
For assistance/service per the Americans with Disabilities Act (ADA), dial TDD 786-7555.

COMMUNITY DEVELOPMENT DEPARTMENT
Planning • Public Works • Facilities
6101 SE Johnson Creek Blvd., Milwaukie, Oregon 97206
PHONE: (503) 786-7600 • FAX: (503) 774-8236

EXHIBIT 2--SITE PLAN

6.2

OAK STREET



CAMPBELL STREET

SITE SUMMARY

LOT SIZE:	14,508 SQ. FT.
BUILDING FOOTPRINT:	1,800 SQ. FT.
LOT COVERAGE:	12.5%
VEGETATION/ OPEN SPACE AREA:	6,508 SQ. FT. (44.6%)
PARKING SUMMARY:	
	1 HANDICAP
	9 STANDARD
	2 COMPACT
TOTAL PARKING:	12 SPACES

ISEI

ARCHITECT
500 N. MARSH ST.
MILWAUKEE, WI 53212

MYRTLE STREET

MILWAUKEE DENTAL CLINIC
COMFORT CARE HEALTH SYSTEMS



PRELIMINARY SITE PLAN

LOTS 13,36, AND 78, EXCEPT THE SOUTH 888 FEET, BLOCK 3, 'ROBERTS' REPLAT OF BLOCKS 13,9,108 AND 1, JULIUS BELLWOOD'S ADDITION TO MILWAUKEE IN THE NE 1/4 OF SECTION 30, T. 18, R. 12E, W. 1, CITY OF MILWAUKEE, GLACIARUM COUNTY, WISCONSIN. 1/8" = 1'-0"

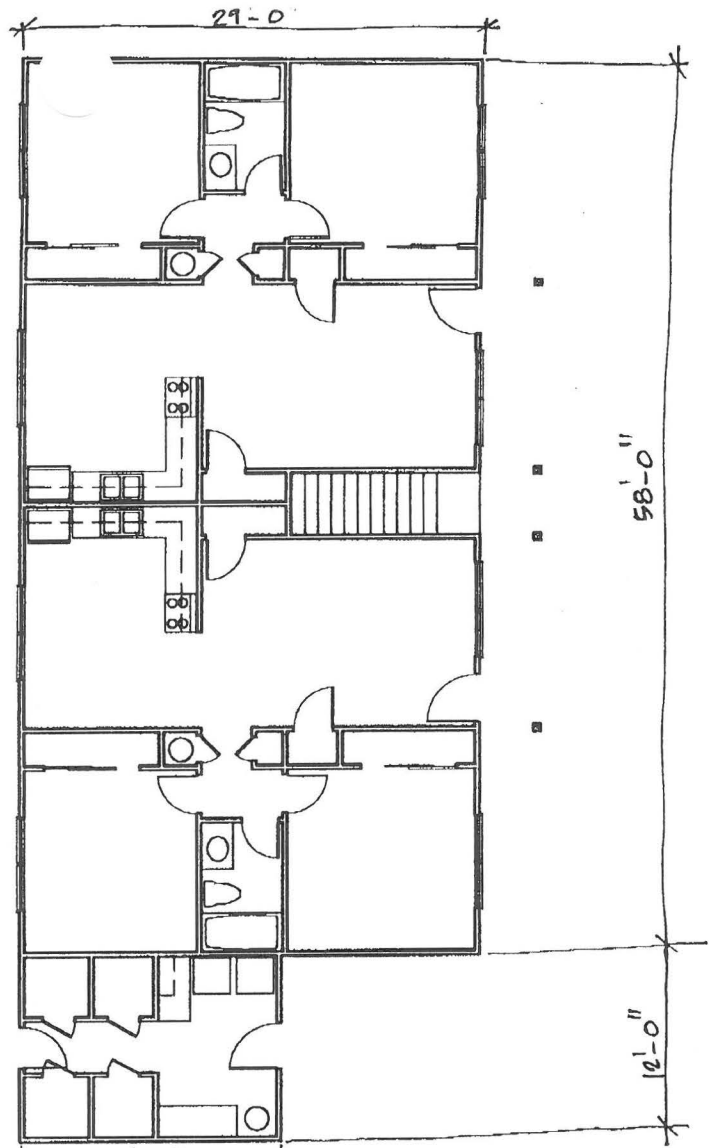
INFORMATION AND DATA IS BASED ON SURVEY BY RESPETTO AND ASSOCIATES, INC. DATED 5/28/98
CHECKED BY RESPETTO AND ASSOCIATES, INC. FOR EXISTING UTILITY LOCATIONS.
AS SHOWN WILL BE RETAINED. POWER WILL BE RELOCATED UNDERGROUND AND WATER SERVICE UPGRADED.

REVISED

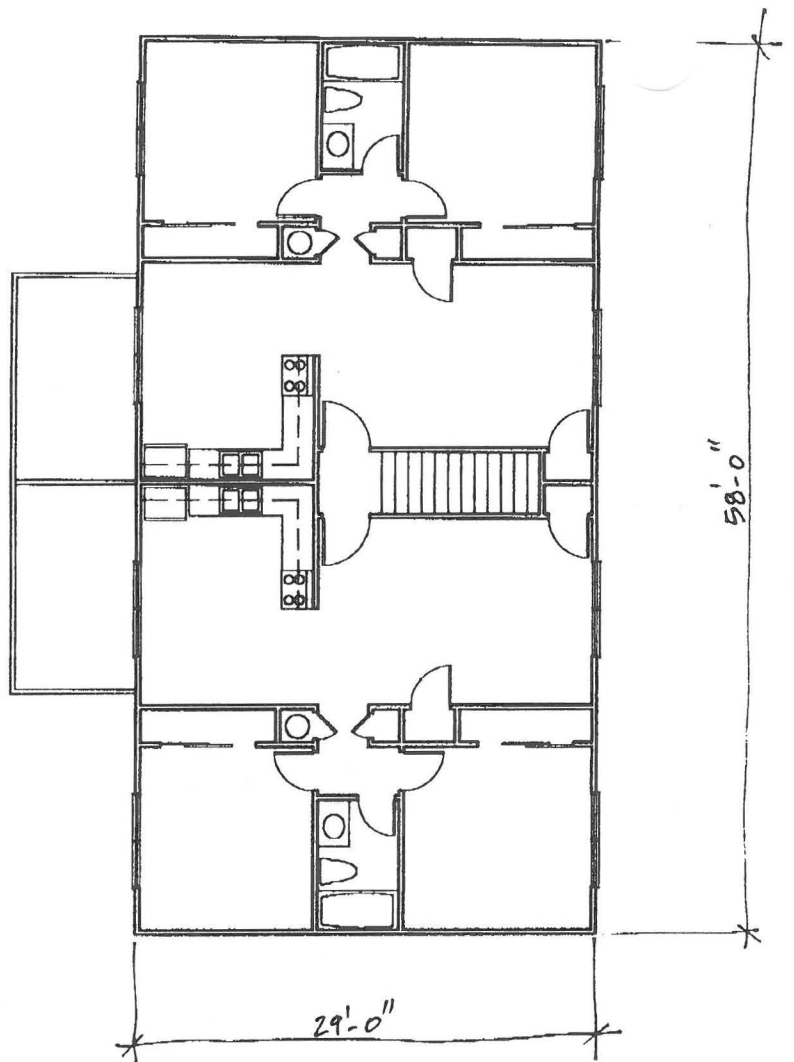
PROJ. NO.
FILE
DATE
SHEET NO.

CONDITION
(SHEET)

EXHIBIT 4--FLOOR PLANS (EXISTING)

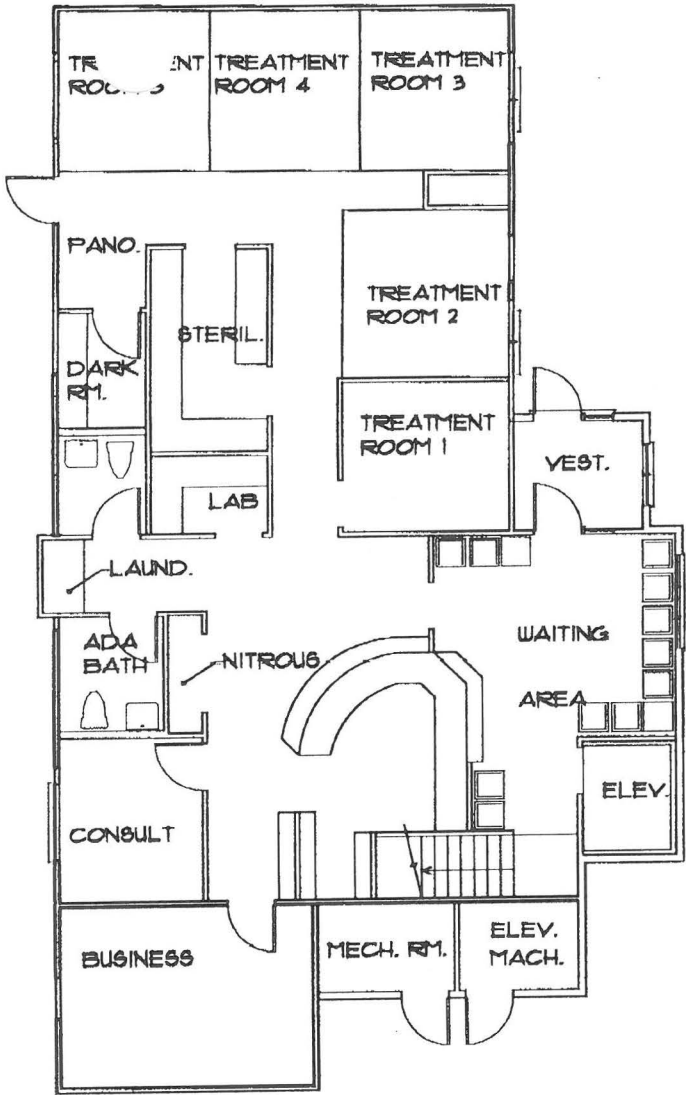


○ MAIN LEVEL FLOOR PLAN
(EXISTING)
1/8" = 1'-0"

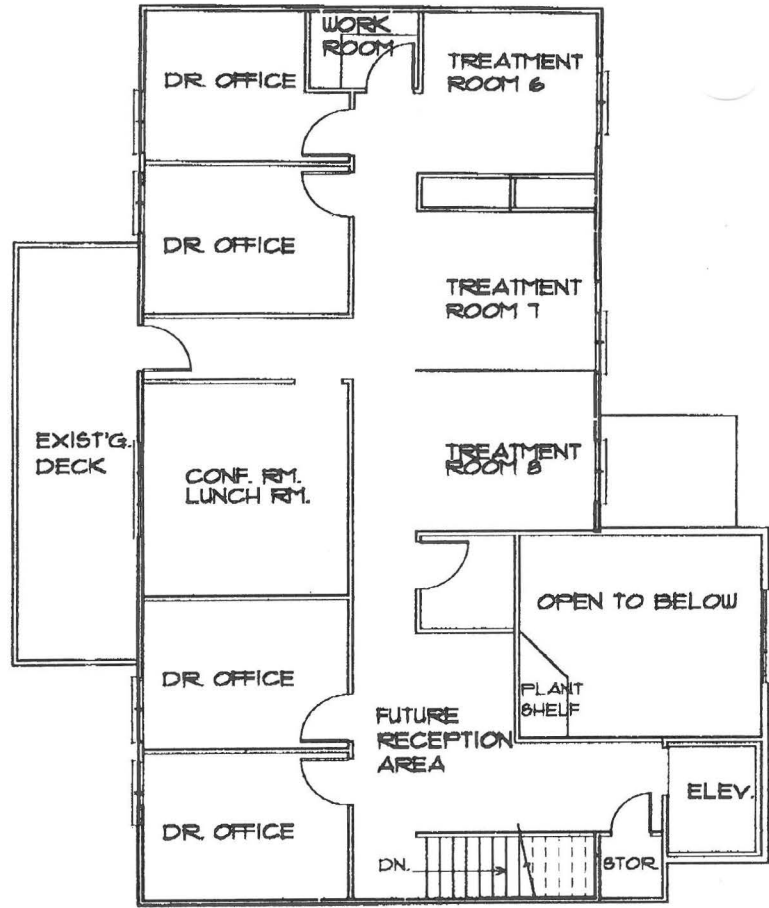


○ UPPER LEVEL FLOOR PLAN
(EXISTING)
1/8" = 1'-0"

EXHIBIT 5--CLINIC FLOOR PLANS (DRAFT)



○ MAIN LEVEL FLOOR PLAN
(PROPOSED) 1/4" = 1'-0"



○ UPPER LEVEL FLOOR PLAN
(PROPOSED) 1/4" = 1'-0"

EXHIBIT 6--PUBLIC WORKS COMMENTS

6.2 _____

MEMORANDUM

TO: COMMUNITY DEVELOPMENT

FROM: Paul Roeger
Civil Engineer

RE: CU-99-04/TPR-99-08/VR-99-06
3245 SE Campbell Street

DATE: October 29, 1999

This site has street frontage on three streets; Oak Street on the east, Campbell Street on the north, and Myrtle Street on the west. Access is currently from Campbell Street. The proposed plan adds an access from Myrtle Street. All three streets have curb and sidewalk. All sidewalk and driveway approaches must be brought up to City standards.

The Transportation system development charge (SDC) will be based on the increase in trips generated from the previous use to the new use according to the Trip Generation handbook from the Institute of Transportation Engineers.

The current building is connected to City sanitary sewer and water. Water and sanitary sewer SDC credit will be given for four connection units against the number of connection units determined for the new dental clinic. A complete plumbing plan is required to be submitted with the building permit plans and application so the number of plumbing fixtures can be determined. If a larger water meter is needed, the developer will be charged associated City fees to install the new meter and service line.

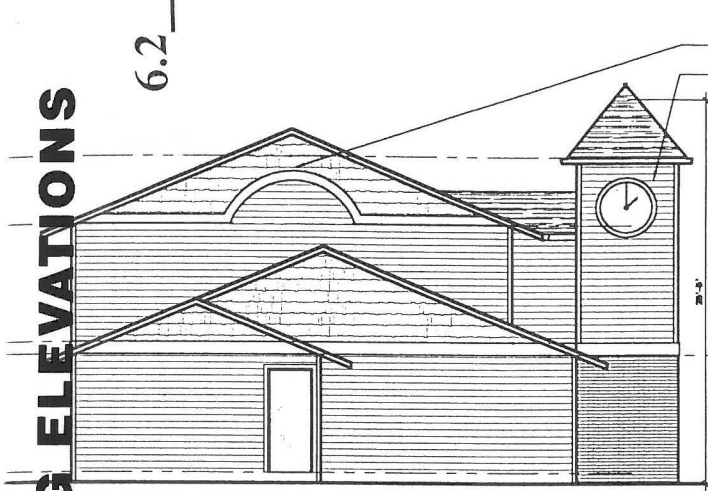
Storm drainage on this site is handled by drywells. Roof drains may be run to the curb on Oak Street if grade permits. The drywell for the parking lot may need to be enlarged to handle the increased size of the parking lot. The existing drywell will need to be located and the size determined in order to design the new drywell. All parking lot catch basins must have inverted siphons. The storm drainage SDC will be based on the increase in impervious surface on the site. Therefore, an existing site plan must be submitted along with the proposed site plan.

All SDC calculations will be done at the time of building permit review.

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

EXHIBIT 3 - BUILDING ELEVATIONS

6.2



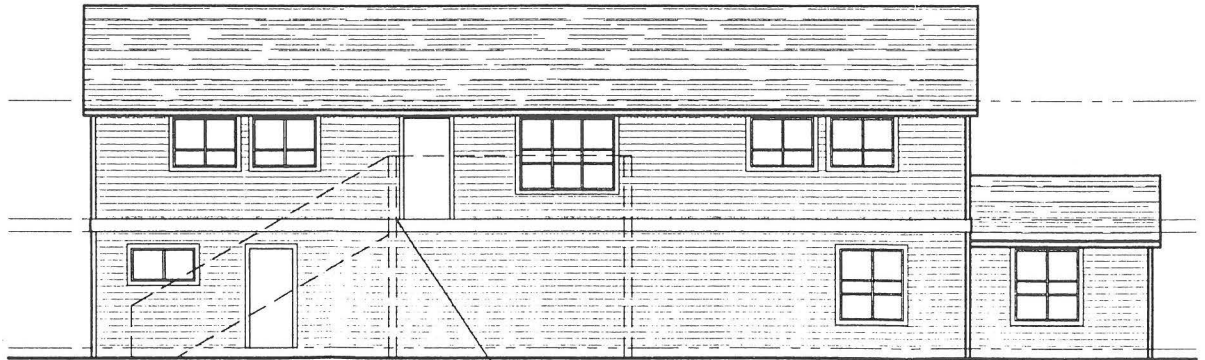
SOUTH (LEFT SIDE) ELEVATION
1/4" = 1'-0"



EAST (FRONT) ELEVATION
1/4" = 1'-0"



NORTH (RIGHT SIDE) ELEVATION
1/4" = 1'-0"



WEST (REAR) ELEVATION
1/4" = 1'-0"

ISE
ARCHITECT
1125 SOUTH WISCONSIN ST
MILWAUKEE, WI 53212
TEL: 414-224-1125
FAX: 414-224-1126
WWW.ISE-ARCHITECT.COM

CONDITIONAL
USE SUBMITTAL

MILWAUKEE DENTAL CLINIC
COMFORT CARE HEALTH SYSTEMS

PROJ. NO. :
FILE :
DATE :
SHEET NO. :

CONDIC
SUB



TO: Planning Commission

THROUGH: Alice Rouyer, Planning Director *AR*

FROM: Lisa Nasshahn, Contract Planner *LLN*

SUBJECT: TPR-99-07, NCU-99-01, TAR-99-01 John Failor for Jim and Cheryl Arendell/Arco station. Conversion of service bays to convenience store.

REPORT DATE: November 2, 1999

HEARING DATE: November 9, 1999

Action Requested

Approve applications TPR-99-07, NCU-99-01, and TAR-99-01 authorizing continued use of the R3 portion of the parcel for required parking and tanker truck access to the existing Arco station at 4140 SE Harrison, and reviewing the redevelopment of the gas station in the C-G portion of the lot for consistency with transportation planning standards. Adopt the staff-recommended Findings and Conditions of Approval.

Background

Location: 4140 SE Harrison
(Exhibit 1—Vicinity Map)

NDA: Hector Campbell

Zone: Medium Density Residential—R3 on the western 50' of the lot, General Commercial—CG on the eastern 100' of the lot.

Lot Size: 15,000 s.f.

Map & Tax Lot: 11E36AA01900

Summary Project Description

The applicants are proposing a change of use and an addition to the existing building on the site. The use will change from auto service to convenience store. The proposal retains the existing four curb cuts, existing gasoline tanks and service canopy, and existing parking. Parking stalls will be moved a small distance easterly to accommodate a landscaped buffer and sight-obscuring fence between the site and residential uses to the west. The existing parking area is in the R3 zone; parking is a nonconforming use in this portion of the site. See Exhibit 2—Site Plan.

The existing operating schedule is as follows:

Hours of operation:	6:00am-11:00pm
Number of employees for auto service use:	3
Number of customers per day:	300

The proposed operating schedule is as follows:

Hours of operation:	6:00am-11:00pm
Number of employees for auto service use:	1
Number of employees for convenience store use:	2
Projected number of customers per day:	Not provided
Alcohol sales:	Yes

Proposed Land Use Reviews

- The transportation planning review will consider the proposal's compliance with transportation planning regulations per MZO Section 1400.
- The non-conforming use review will consider the alteration of an existing non-conforming use per MZO Section 800—Nonconforming Uses.
- The transition area review will consider the proposal's conformance with MZO Section 414—Transition Area.

Site History

Staff was unable to locate any records of prior land use review activity regarding this site. Sewer permit records indicate existence of a service station on this site since at least October 1965.

Analysis

The applicants propose to convert an existing service station building to a convenience store. The conversion requires a substantial remodel of the interior of the existing building to change automobile lubrication service bays to accommodate the new retail use. The gasoline pumps will be retained. The project proposal includes a 312 sq. ft. addition to the existing floor area of 1500 sq. ft. The addition will be located at the rear of the building. The existing parking for the service station is located on the R-3 portion of the site. This is a nonconforming use of this portion of the site. A convenience store is an outright permitted use in the C-G zone.

The analysis below examines the redevelopment of the site for conformance with Section 1400—Transportation Planning. It examines the alteration of a nonconforming use—the parking use in the R-3 section (Section 800). It tests the conformance of the site with the requirement included in Section 414 to provide a transition area between the commercial use and adjoining residential uses. The analysis identifies the primary problems on the site are failure to provide walkways between the building and the two streets, and failure to meet parking and loading standards and minimum vegetated area.

The analysis also identifies authority in the Zoning Ordinance to require some site improvements as conditions of these approvals. Section 1400 supports the requirement for some site improvements. Among the recommended site improvements are: 1) addition of pedestrian walkways between the streets and the convenience store and, 2) closure of the northern curb cut on 42nd to increase pedestrian and motorist safety on site and provide space for a park strip (see

discussion below). The requirement to bring sidewalks and driveways up to city standards provides an opportunity to close the curb cut and add the park strip in conjunction with this part of the project (see Exhibit 3—Public Works Comments).

The proposed reconstruction of the parking area provides the opportunity to configure the new parking area to conform to the standards listed in Section 500—Parking and Loading. The parking area landscaping on the R-3 portion of the site will also result in the site development moving closer to compliance with the minimum vegetated area standard of the R-3 zone. Any landscaping added to the C-G portion of the site will move this area closer to compliance with required minimum vegetation in this zone.

Conformance with Section 1400—Transportation Planning, Design Standards, and Procedures

New development and redevelopment are subject to transportation planning review, as written in MZO Section 1400. The criteria for development review decisions are as follows:

- A. Compliance with standards and procedures of Section 1400.
- B. Compliance with standards of the applicable zoning district (Section 300).
- C. Compliance with Supplementary Regulations (Section 400) and parking standards (Section 500).
- D. Compliance with standards and policies of an applicable corridor plan.

A. Conformance with standards and procedures of Section 1400

Section 1400 includes requirements for right-of-way dedication, provision of bikeways and transit stops, and building orientation requirements. These standards are applicable to new buildings, and new plats. They are not applicable here because the building and lot are existing.

Section 1404—Access Control Standards and Guidelines

The area of 42nd and Harrison has no adopted corridor design plan to guide site access decisions. Staff, therefore, referred to the standards and guidelines adopted as part of the Transportation System Plan (TSP). Both Harrison and 42nd Streets are classified as arterials in the TSP. Table 6.13 prescribes the distance of a private drive from an intersection to be 300'. The dimensions of the site (100' x 150') preclude strict adherence with this standard. However, the standard supports a decision to require removal of extraneous curb cuts close to intersections.

Elimination of the northernmost curb cut on 42nd Street would allow space for site landscaping and would increase pedestrian safety along this edge of the site (see Exhibit 2—Site Plan). It would discourage convenience store customers from using the gasoline service area as a traffic route between 42nd Street and the parking area, thereby lessening conflicts between automobiles utilizing the site for these two different purposes. It would contribute to the safety of both on-site vehicular traffic, and pedestrian traffic between the proposed store and Harrison Street.

Section 1406—Internal Connections

The proposal is not in conformance with this subsection; no walkway from either public right-of-way to the building is proposed.

Section 1402 requires an amount equal to at least 10 percent of the development permit value to be utilized to meet the standards and requirements of Section 1400. Examination of the applicants' site plan indicates that, because of the existing service canopy and gasoline storage tanks there is little room to provide site improvements such as landscaping. However, removal of the access discussed above, would result in space along the northeastern corner for installation of a 5' park strip, as called for in Table 1405. This park strip would benefit pedestrians as well as provide some vegetation to bring the C-G part of the site closer to conformance with the minimum vegetation standard for this zone.

The 10 percent value should be utilized to bring the site closer to conformance with current standards with the following priority:

1. Install a clearly marked pedestrian access between the building and each right-of-way. The walkways should be placed so that trucks entering and exiting the site have clear view of pedestrians, and sited outside the truck route when possible.
2. Remove the northern curb cut on 42nd and install 5' landscaped parking strips along 42nd and Harrison Streets, as prescribed in Table 1405, where allowed by the locations of the existing gasoline tanks and pumps,¹

The 10 percent figure does not apply to improvements to the parking area in the R-3 zone. Improvements must be made to bring the parking area fully into conformance with current standards, per Section 500 (discussed on p. 6). These items are included in the conditions of approval.

B. Conformance with standards of Section 304—Residential Zone R-3, and Section 313—General Commercial Zone—C-G

The site is currently not in conformance with minimum vegetation standards applicable to either the C-G portion or the R-3 portion of the site. The site fails to conform to several standards included in the parking section of the zoning ordinance (discussed on p. 6).

304 Residential Zone R-3

Standard	Required	Proposed	Compliance	Comments
Lot Size	5000s.f.	15,000s.f.	Yes	
Lot Width	50'	150'	Yes	
Lot Depth	80'	100'	Yes	
Front Yard	15'		Not applicable	Fence only proposed on R-3 portion
Rear Yard	15'		Not applicable	Fence only proposed on R-3 portion
Side Yard	5'		Not applicable	Fence only proposed on R-3 portion

¹ The city's public works department notes that the sidewalks and driveway approaches must be improved to city standards.

Failor TPR-99-07, NCU-99-01, TAR-99-01

November 2, 1999

Page 5 of 10

Yard Abutting a major street	40' from Harrison centerline		Yes	Fence only proposed on R-3 portion
Off-street parking and loading		Per site plan	No	See p. 6 below, and conditions of approval
Height restriction	The lesser of: 2 1/2 stories or 35'		Not applicable	Structure is existing, no additional height is proposed
Lot coverage	Maximum 40% of lot area (max. 2000 s.f.)	0 s.f.	Yes	Fence only proposed on this portion of site
Minimum vegetation & open space	35% of lot area (min. 1750 s.f.)	600 s.f.	No	See discussion in Analysis , above, also parking and loading section (p. 6), and conditions of approval (p. 9)
Access requirements			Yes	Lot fronts on 2 streets.
Transition area			Yes	See Transition Area Review (p. 7), and conditions of approval (p. 9)
Minimum density			Not applicable	

313 General Commercial Zone—C-G

Standard	Required	Proposed	Compliance	Comments
Lot Size	None required	15,000s.f.	Yes	
Lot Width	50'	150'	Yes	
Lot Depth	80'	100'	Yes	
Front Yard	None required		Yes	
Rear Yard	None required		Yes	
Side Yard	None required		Yes	
Yard Abutting a major street	40' from Harrison centerline	No change	Not applicable	Front yard is existing. No change proposed
Transition area			Yes	See Transition Area Review (p.7) and conditions of approval (p. 9)
Access requirements			Yes	Lot fronts on 2 streets.
Off-street parking and loading			No	See p. 6, and conditions of approval
Height restriction	The lesser of: 3 stories or 45'	Existing height	Not applicable	Structure is existing, no additional height is proposed
Lot coverage	Maximum 85% of lot area (max. 8500 s.f.)	40% (building and service canopy occupy approx. 4000 sq. ft.)	Yes	
Open Use				None proposed
Minimum vegetation	15% of lot area (min. 1500 s.f.)	0 s.f.	No	See discussion in Analysis , above

C. Conformance with Section 400—Supplementary Regulations and Section 500—Offstreet Parking and Loading

Section 400—Supplementary Regulations

The applicants are proposing a 6' chain link fence with vinyl slats along the west property line, between the parking area and the adjoining residential use. Subsection 401.1A requires the fence height to drop to 42" in the front yard setback—15'. Conformance of the proposal with subsection 414—Transition Area is addressed below. The proposal does not currently conform to subsection 415—Minimum Vegetation. There is presently no landscaping on site; the application as proposed does not include enough landscaping to comply with minimum vegetation standards for either of the zones applied to the site.

Section 500—Offstreet Parking and Loading

Section 502 states that the standards of Section 500 apply to “uses with nonconforming parking and loading facilities, in an attempt to bring them into conformance with current standards when remodeling or change in use occurs.” This section of the Zoning Ordinance gives authorization to require parking area improvements to bring the area into compliance with the standards listed in Section 500.

The site plan as proposed is not in compliance with several of the standards listed in Section 500:

- The proposal includes 10 parking spaces—3 more than the maximum allowed. To conform to Subsection 503.9, the applicants cannot exceed a maximum of 7 spaces.
- The proposed 6' landscaped buffer along the west property boundary is inadequate to fully satisfy landscaping requirements. Among the requirements of subsection 503.19 are: a 6' landscaped buffer is required between the parking area and the R-3 zoned area to the north of the site, an 8' landscaped buffer is required between the parking area and Harrison, and an 8' landscaped buffer is required on either side of the driveway into the parking area.
- Per Subsection 505.2, two bicycle parking spaces are required to serve the new commercial use.

The table on p. 4 showed that the minimum vegetated area required for the R-3 part of the site is 1750 sq. ft. It is possible that the applicants will be unable to comply with on-site parking requirements and also achieve the minimum vegetated area. In this case, applicants shall apply parking area landscaping to approach, as nearly as possible, the 1750 sq. ft. minimum. This requirement is included in the conditions of approval.

The applicants did not include information in the application sufficient to evaluate the compliance of the parking area with space standards, aisle widths, parking area lighting, or storm water drainage. Off-street loading spaces are not required for this site. Carpool/vanpool and structured parking requirements are not applicable. Before any permits are issued to begin remodeling or site construction, the applicants will be required to submit a parking plan and a landscaping plan in conformance with all Section 500 standards. These items are addressed in the conditions of approval.

D. Conformance with standards and policies of an applicable corridor plan

No corridor plan exists for this area.

Conformance with Section 800—Nonconforming Uses

The existing parking area is located in the R3 zone on the western portion of the site. Parking is a nonconforming use in residential zones. The change of use of the site from auto service to auto service and convenience store induces an alteration of required parking. This constitutes an alteration of a nonconforming use. This situation triggers the requirement for the nonconforming use review. Subsection 802 states that alteration of a nonconforming use must be approved by the Planning Commission upon a determination that the proposed modifications would result in no more of a detriment to surrounding properties than the existing use.

The properties surrounding the nonconforming use are residential uses in a residential zone. Potential detriments from the change are:

- Increased noise and traffic,
- Increased glare from headlights,
- Increased glare from on-site lighting,
- More convenience store traffic in the evening hours.

The applicants are proposing laurel shrubs and trees in the required landscaped buffer and a vinyl-slatted chain-link fence along the west property boundary. This, together with similar landscaping and fencing along the south property line adjoining residential uses will decrease noise and glare from the existing use, as well as diminish any increase from traffic associated with the new use. Requiring that outdoor lighting be directed downward and away from residences can prevent glare from on-site lighting. The applicants state that the new convenience store will maintain the same hours of operation as the existing use, 6:00am to 11:00pm.

With the following site modifications the use of the parking area can be altered, as proposed, without additional detriment to surrounding properties.

- Install fencing and landscaping along the west property line, as proposed.
- Install equivalent fencing and landscaping along the residential-zoned portion of the south property line.
- Direct all outdoor lighting downward and away from residences.
- Require that any modification of operating hours be subject to a Planning Commission review of the nonconforming use, per Subsection 802.

These issues are included in the conditions of approval, below.

Conformance with Section 414—Transition Area

Section 414 states that in zones where multifamily, commercial, or industrial projects are proposed that are within 100 feet of areas designated for lower density, transition measures shall be made in order to minimize the impact on lower density uses. These measures shall be subject to Planning Commission review at a public hearing per

subsection 1011.3, Minor Quasi-Judicial review. The Planning Commission may apply conditions to such approval as will meet the objectives of this Section.

Per subsection 414.1 B, open areas (developed or undeveloped) that separate new structures from adjacent parcels can be used as transition areas. This subsection further states, "minimum distance equal to the required front yard of adjacent parcels will be established and maintained as open area. Natural vegetation, landscaping, or fencing will be provided to the 6-foot level to screen living rooms from direct view across open areas." The open area on this site must have minimum dimensions of 15' from the building to the west and south property lines.

The project proposal includes an open area between the commercial uses and the residential use to the west and south. The dimension from the building to the west property line is in excess of 50'; the dimension from the building to the south property line is in excess of 26'. The applicant proposes to install a 6' chain link fence with vinyl slats and a 6' landscaped buffer, including laurel shrubs and trees, along the fence line. Required parking and a delivery truck route are proposed to be located within the open space.

The proposed open space will meet the requirements of the transition area; fencing, landscaping and open area must be maintained in order to continue to meet the requirements as time passes. This issue is addressed in the conditions, below.

Comments

Marv Chapman, Minister of Administration of the Milwaukie First Baptist Church, 10750 SE 42nd, commented via telephone call on October 29, 1999. Mr. Chapman stated that he supports the Arco station, but is concerned about the proposed convenience store for two reasons. Mr. Chapman wondered how a convenience could survive or do well in this location, since there is already a 7-11 store and a Thriftway store very nearby. Secondly, Mr. Chapman said that he is concerned that the owners intend to offer items for sale that are detrimental to area youth, particularly pornography.

Comments from Paul Roeger, City of Milwaukie Public Works Department, are included herein (Exhibit 3 –Public Works Comments). Applicable issues are included in the conditions, below.

The Hector Campbell Neighborhood Association forwarded a comment that no auto repair activities shall occur in the parking area. This requirement is included in the conditions of approval, below.

Recommended Findings in Support of Approval

1. The transportation planning, nonconforming use and transition area applications have been processed in accordance with applicable laws.
2. As conditioned the application meets the design criteria of MZO Section 1400—Transportation Planning, Design Standards, and Procedures.

3. As conditioned the application meets the criterion for approval of alteration of a nonconforming use per MZO Section 800—Nonconforming Uses.
4. As conditioned the application meets the objectives of the transition area review per MZO Section 414—Transition Area.

Recommended Conditions of Approval

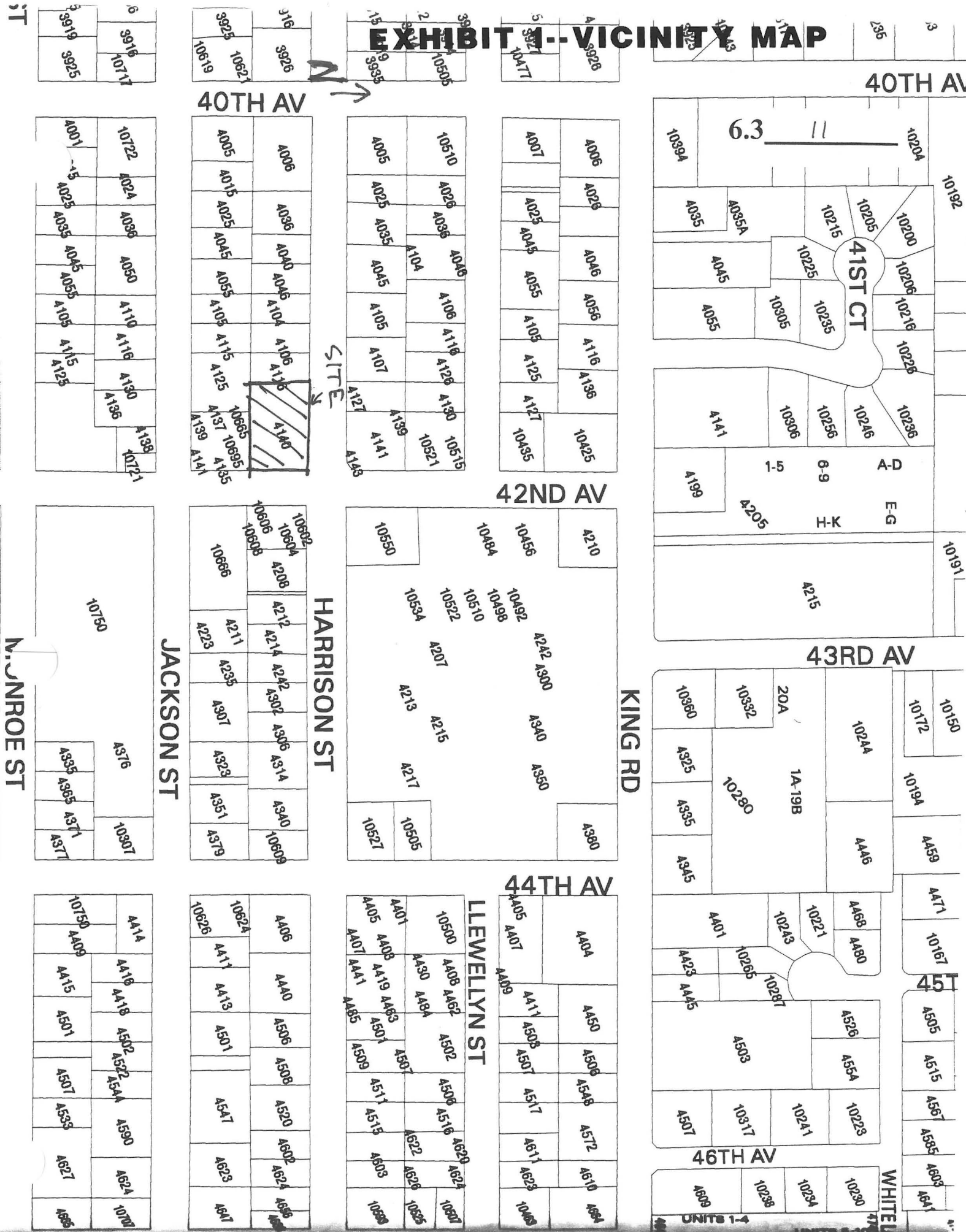
1. The requirements of the transportation planning, nonconforming use and transition area reviews shall be implemented in conformance with the site plan and written statements submitted by the applicant for these reviews.
2. Prior to any building permit issuance, the applicant shall submit a scaled parking and landscaping plan, with a maximum of 7 on-site parking spaces, which conforms to all standards of MZO Section 500—Off-street Parking and Loading. The parking plan shall also include the following elements:
 - A. Sight-obscuring fencing and landscaping, including shrubs and trees for noise buffering, along all property lines in the R-3 zone that adjoin residential uses,
 - B. Designation of all outdoor lighting locations and types. Outdoor lighting shall be oriented to cast light downward and away from all residential uses.
 - C. Removal of the two southernmost and one northernmost parking spaces, and replacement with landscaping sufficient to approach, if not meet, the R-3 requirement of minimum vegetated area of 1750 sq. ft.
3. Prior to any building permit issuance, the applicant shall submit a scaled site plan showing sidewalks, driveways and on-site storm drainage systems improved to applicable city standards, and closure of the northern curb cut on 42nd Street.
4. Prior to any building permit issuance, applicants shall submit a scaled site plan showing installation of pedestrian improvements as prioritized below. Investment in pedestrian improvements shall be in an amount no less than 10 percent of the project value.
 - A. Clearly marked pedestrian access routes between the building and each right of way. Walkways shall be sited so that trucks entering and exiting the site have clear view of pedestrians, and shall be sited outside the truck route when possible.
 - B. 5' landscaped parking strips along each right-of-way, as allowed by removal of the northern curb cut on 42nd and the location of existing gasoline tanks and pumps.
5. Prior to issuance of certificate of occupancy or final inspections as applicable, parking and landscaping improvements shall be completed.
6. Required fencing, landscaping and open space shall be maintained for the duration of the nonconforming use. Storage containers shall not be located in the open space.
7. Operating hours of the commercial uses shall not be extended from the proposed 6:00am to 11:00pm without prior review by the Planning Commission for determination of consistency with this approval.

8. No auto repair activities shall occur in the open space or parking area.
9. The nonconforming use approval shall expire if parking area construction in conformance with these conditions is not commenced within six months of the date of the Planning Commission approval.

Exhibits

1. Vicinity Map
2. Site Plan
4. Public Works Comments

EXHIBIT I - VICINITY MAP



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3925 316 3926 10619 10621

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40TH AV

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EXHIBIT 3--PUBLIC WORKS COMMENTS

MEMORANDUM

6.3 13

TO: COMMUNITY DEVELOPMENT

FROM: Paul Roeger
Civil Engineer

RE: NCU-99-01/TAR-99-02/TPR-99-07
4140 SE Harrison Street

DATE: October 29, 1999

The existing site has street frontage on both 42nd Avenue and Harrison Street. Both streets have curb and sidewalk abutting the curb. Near the northwest corner of the lot the curb stops along the sidewalk and starts again about 4-feet further out toward the centerline of the street, leaving a planter strip between the curb and sidewalk to the west of this lot. These two curbs must be transitioned together by removing sections of each curb and re-connecting them with an S-curve, to make a continuous curb. Existing sidewalks and driveway approaches must be brought up to City standards.

No additional gasoline pumps are proposed. Transportation system development charges (SDC's) are based on the number of pumps. The minor change in use from service station with repair garage to service station with convenience store does not increase the trips generated by the service station.

On-site storm drainage must be revised to meet City standards. No additional SDC's for storm drainage will be assessed because there will be no increase in impervious surface.

The existing service station is connected to City sanitary sewer and water. Building permit plans will be reviewed for changes and additions to the plumbing system. Credit will be given for the existing fixtures. Any increase in fixtures may result in additional SDC's for sanitary sewer and water.

All SDC calculations will be done at the time of building permit review.



To: Planning Commission
From: Alice Rouyer, Planning Director *AR*
Subject: Draft Vision & Mission Statement
Date: November 2, 1999
Meeting Date: October 9, 1999

Action Requested

Review the draft vision & mission statement.

Note: This item was not completed at October 28, 1999 work session and is included again for consideration under "Matters from the Planning Director".

Background

Please see the attached draft City vision and mission statement. This was developed by staff following a day long session with City Council on September 18 where the Council outlined the elements they wanted to include in the statements. The Council hosted a session on Saturday, October 9 to obtain input from Board/Commissions and neighborhood leaders on this attached draft. Three members of the Planning Commission attended that session.

Council is now seeking final input from each of the Boards/Commissions on this draft. At the October 26, 1999 work session, I will seek your input. Please read the draft and be ready to provide any written or verbal comments to on November 9, 1999. Thank you.

City of Milwaukie
Draft Vision Statement

In the year 2020, Milwaukie has preserved the best from its past and cultivated the opportunities in its future by carrying the values of its citizens forward and remaining a strong partner in the region. Happy residents and inspired visitors enjoy a dynamic downtown that connects to a uniquely accessible riverfront. Our neighborhoods are peaceful enclaves of safety and affordability. Our strong community-based planning ethic perfects how we live, work, play and travel to and from our land amid the Willamette-Johnson Creek watershed. Our children are thriving and proud of the place we have made. We balance economic vitality, human health and respect for the natural environment by achieving success in these areas:

PUBLIC SAFETY

A sense of safety, security, and mobility throughout the community.

Collaboration between police and community, schools, and other agencies.

Lowest crime rate in the metro area through prevention.

Immediate and effective emergency response.

NATURAL ENVIRONMENT

Milwaukie is known as a place of trees, protected waterways, wetlands, and wildlife habitat with a network of parks, trails, and open spaces.

The community values clean air, water, and peaceful (quiet) surroundings.

TRANSPORTATION

Milwaukie has a system that allows for safe, efficient, and effective mobility for everyone by offering choices such as rail, waterways, transit, streets, sidewalks, and pathways.

Is efficient, effective and preserves neighborhood livability.

Ensure regional connections.

CULTURAL RESOURCES

Provide an opportunity for the community to pursue artistic, intellectual, and historical endeavors.

BUILT ENVIRONMENT

Preserves and enhances the character and quality of our neighborhoods, businesses and industrial areas through careful review of new development and property maintenance.

Provides the opportunity for a variety of housing choices.

ECONOMIC DEVELOPMENT

Ensures a diverse and stable economic base that provides living wage jobs, dependable revenue sources.

Supports and participates in the development of business partnerships.

Capitalizes on Milwaukie's strategic location while establishing regional significance and becoming a destination location.

COMMUNITY BUILDING AND COMMUNICATION

Keeps a mutual commitment from city leadership, staff, citizens, businesses, and other partners to build community leadership that encourages civic responsibility, reflects the diversity of its citizens, draws on the talents of individuals, and anticipates the needs of future generations.

INFRASTRUCTURE

Sustains basic City services that offer adequate and well-maintained supply and capacity for current and future users at a fair cost to all those who benefit.

FISCAL AND ORGANIZATIONAL ACCOUNTABILITY

Shows value in everything we do by developing and communicating realistic performance expectations and demonstrating the return on the taxpayers' investment through specific accountability systems.

Provides effective public service that is reliable and supported by professional, caring, and responsive staff, who are trusted in the community.

Draft Mission Statement
(Options)

The criteria used to develop these statements were: *statement embodies a community identity, reflects the common good and common expectations, provides a framework for civility, is short and memorable to Citizens, is a reference check for Staff in implementation of their direction from Council.*

Milwaukie: Creating a Quality Small Town Community.

Milwaukie: Growing a 21st Century Small Town.

Milwaukie: Creating a Dynamic 21st Century Small Town.

Milwaukie: A 21st Century Small Town Growing with Grace.



MEMORANDUM

TO: Planning Commission

THRU: Martha Bennett, Assistant City Manager – CD *MB*
 Alice Rouyer, Planning Director *AR*

FROM: Paul Roeger, Civil Engineer *PR*

DATE: November 1, 1999

ACTION REQUESTED

Forward recommendation to City Council to approve the Street Vacation of SE 24th Avenue from SE Ochoco Street to SE Stubb Street.

BACKGROUND

The City has received a petition from Lawrence deBlock, owner of the property at 2384 SE Ochoco Street to vacate SE 24th Avenue from SE Ochoco Street to SE Stubb Street (see attached Assessors map). This section of 24th Avenue parallels SE Main Street about 80-feet to the west of SE Main Street. There is a storm water detention pond between SE Main Street and SE 24th Avenue. In fact, some of the detention pond is on the 24th Avenue right-of-way.

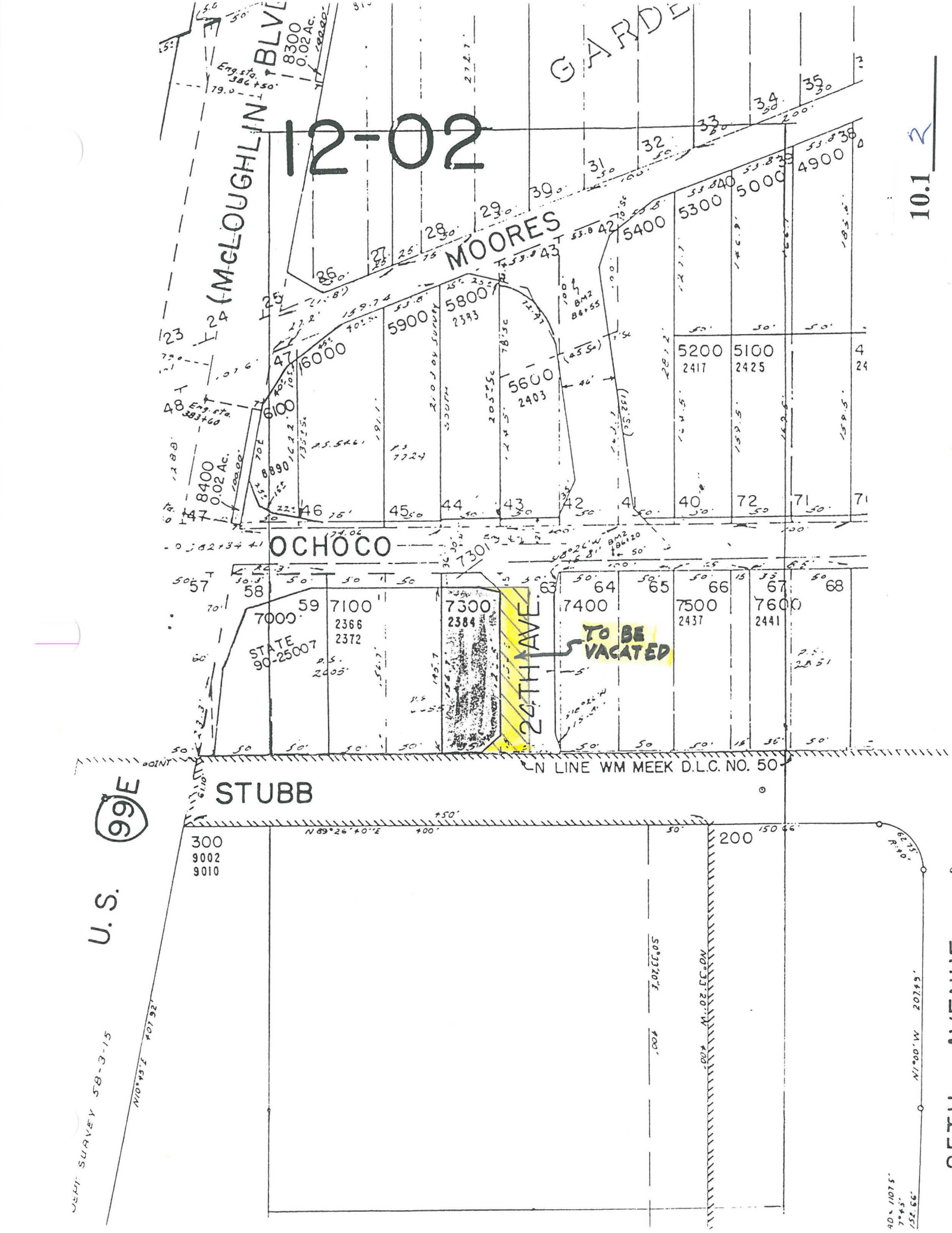
The intent is to vacate only the west 25-feet of the right-of-way. Easements for City water, Northwest Natural Gas, power and telephone will be retained.

With SE Main Street so close, 24th Avenue is no longer needed as a connecting street.

A Public Hearing on the requested vacation of SE 24th Avenue between SE Ochoco Street and SE Stubb Street has been set for December 7, 1999 in front of City Council. All effected property owners will be notified of the hearing as required by ORS statutes.

RECOMMENDATION

Forward a recommendation of approval to vacate SE 24th Avenue from SE Ochoco Street to SE Stubb Street to City Council.



10.1

U.S. 99E

WEST SURVEY 58-3-15

40' 1075'
7' 45'
152.66'