

ORDINANCE NUMBER 1634

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE NUMBER 1438, BY REZONING CERTAIN PROPERTY FROM C-N (PD) TO C-G (ZC-87-04).

WHEREAS, a Zoning Map Amendment was considered at public hearings before the Planning Commission on August 11, 1987, and City Council on September 1, 1987, and

WHEREAS, the City Council finds the applications should be approved based on the findings listed below,

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Findings. The following findings of fact and conclusions are adopted:

FINDINGS:

1. This proposal is to rezone 2.28 acres along Freeman Way from C-N (P-D) to C-G to allow construction of a regional insurance office and claims facility.
2. The C-G Zone allows offices and associated drive-in facilities as permitted uses.
3. The Comprehensive Plan designates this site as Commercial. The Plan does not give an indication of what commercial zones are suitable for this site.
4. This site is currently vacant and topographically different from the developed area west of Freeman Way. That area lies on a bluff top approximately 40 feet higher in elevation than the subject property and is separated by steep downslopes and Freeman Way from subject property.
5. This site is similar in topography to other developed areas north of Hwy. 224. This topographical separation from the existing residential area west of Freeman Way and the current highway frontage along Lake Road and Hwy. 224 suggest that this site may be suitable for commercial uses of more than just a local convenience nature (such as highway oriented commercial).
6. Public Works comments were reviewed. Water and sewer are available to the site. A 5 ft. sidewalk will be required to be constructed along the east side of Freeman Way from Lake Road to Hwy. 224. Sewer and water are available and utility plans must be submitted for Public Works approval prior to construction. Curbs and gutters are already in place for Freeman Way and a sidewalk exists along the Lake Road frontage of this property. These requirements are in support of the Public Facilities Element in the Comprehensive Plan (pages 73-80).

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7. This application will change the present C-N Zone to C-G while also eliminating the P-D suffix (indicating this site as no longer being considered a part of the existing P-D west of Freeman Way). The rezone process is the mechanism used to abandon areas designated P-D whereas the Planned Development process is the mechanism used to create or revise Planned Developments. This process requires Planning Commission and City Council public hearings.
8. "Objective #1 - Economic Development" within the City's Comprehensive Plan indicates, "the City will encourage an increase in the overall economic development activity within the City" (page 35).
9. Policy #1 on page 35 of the Comprehensive Plan states, "the City will ensure that there is adequate land available with public services provided to meet the need for economic growth and development".
10. Policy #2 on page 35 of the Comprehensive Plan states "the City will actively and aggressively encourage new economic development which provides an increased tax base, and employment opportunities".
11. Policy #6 on page 35 of the Comprehensive Plan states, "the City will ensure, through the provision of public services and facilities, that existing industrial and employment operations are retained within the City".
12. Policy #2 on page 36 of the Comprehensive Plan states, "the City will encourage new professional and service-oriented employment opportunities to meet the diverse needs of City residents."
13. Upon review of the types of commercial areas discussed by the Comprehensive Plan (page 37), this site most closely resembles "Highway Service Areas." These are commercial areas such as along S.E. 82nd Avenue and McLoughlin Blvd. "designed to serve the needs of nearby residents and people moving through the community, and generally service-oriented."
14. Public Works has indicated that Freeman Way traffic presently is far below its designed capacity. Freeman Way (between Hwy. 224 and Lake Road), although shown in the Comprehensive Plan (Figure 7), is actually a collector street (according to Public Works Staff) feeding Hwy. 224 (a freeway) and Lake Road (a minor arterial). Freeman Way has a 60 ft. right-of-way and a traffic capacity range of 2,000 to 8,000 according to the City's Roadway and Traffic Safety Management Plan (page V-6). A 24 hour traffic count conducted July 23 & 24, 1987, resulted in 1,299 vehicles per day (635 south, 664 north).

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15. Lake Road is a designated minor arterial with a 70 ft. right-of-way and a bus pull-out fronting subject property. Its latest traffic count is 8,954 vehicles per day, which is below the 10,000 vehicle per day range allowed for minor arterials by the City's Roadway and Traffic Safety Management Plan.
16. Staff estimates approximately 260 trips per day would be generated by this facility (based upon 45 employees and 30 client visits). This traffic would be distributed primarily via Hwy. 224. (Source: Application & ITE Manual)
17. The State Highway Division is currently doing a study involving the upgrade and improvement of Hwy. 224. At this location, two options are being considered. The first involves extending Freeman Way as an under-crossing under the highway and providing traffic lights at the intersection of Lake Road and Freeman Way. The second option would result in the closure of Freeman Way at Highway 224, limiting access to Lake Road only. These improvements are estimated to be 12-15 years away from completion and the Applicant has discussed them with the State Highway Division.
18. The Comprehensive Plan Transportation Element Goal Statement indicates transportation systems should provide easy access within the City and to major transportation networks within the City. This proposal provides access to such networks (Lake Road and Hwy. 224).
19. The Comprehensive Plan in Policy #1 on page 70 states, "the City . . . will ensure that adequate roadway capacity and highway facilities are provided for businesses and industries dependent on good highway access." At present, more than adequate capacity exists on Freeman Way for this proposal. Effects to Lake Road and Hwy. 224 would also be minimal as adequate capacities exist there as well (according to Public Works and State Highways Staff responses).
20. Although this rezoning involves a specific use proposal, consideration of this request must also include the complete range of uses allowed in C-G. This is because Milwaukie does not permit conditional rezonings to allow only a given use. Of the uses allowed in C-G, the most intensive likely for this location and size of property would be those of a convenience store, a restaurant, and an auto service station. (The convenience store and restaurant are already allowed for this site as authorized by the C-N (P-D) approval in 1978. Drinking establishments were also authorized for this site as part of the 1978 approvals while the C-G zone allows them as conditional uses.) Since this property would support multiple smaller commercial uses, traffic and siting standards will be evaluated as follows:

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<u>Use</u>	<u>Area Required</u>	<u>Average Trips Per Day</u>
a. Insurance office as proposed	2+ acres	130
b. Restaurant (high turnover)	1 acre	164
c. Restaurant (quality)	1 acre	75
d. Service Station	1/2 acre	748
e. Convenience Market	1/2 acre	323

(Source: ITE Manual)

As can be seen, a combination of b. or c., d. and e. would total over a thousand trips per day as opposed to the insurance facility.

Note: the service station is a C-G Use. Uses specifically allowed for the commercial area as part of the 1978 approval are uses allowed in C-G already either outright or conditionally and are listed as follows:

- food store
- offices/clinics
- eating and drinking establishments
- community building
- recreation facilities
- banks
- laundry/dry cleaners

21. The Zoning Ordinance criteria for zoning map amendments (Section 9.03, page 87) are discussed as follows:
 - a. The proposed rezoning must be to the maximum Comprehensive Map designation - there is only one Commercial Plan designation and C-G is the maximum intensity zone that can comply with that designation.
 - b. Public facilities are adequate - availability of sewer and water has been established by Public Works. Onsite drainage controls and sidewalking will be required by Public Works as part of construction plans review. Other utilities (natural gas, telephone and electricity) are already in place adjoining this property. This use will not affect school capacities and this area is already served by City Police and Fire protection.
22. Planning Commission action on this rezone constitutes a recommendation to City Council for approval.

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CONCLUSIONS:

1. Public facilities are adequate for any use within the proposed zone.
2. The proposed zone (C-G) is consistent with the Comprehensive Plan Commercial designation.
3. Development of subject property for commercial use is consistent with Comprehensive Plan policies regarding economic development.
4. Adequate traffic capacity exists on the surrounding streets in conformance with the Transportation Element of the Comprehensive Plan.

Section 2. Zoning Map Amendment. The Zoning Map of Ordinance 1438 is amended by rezoning subject property as depicted on Map Exhibit "A" (attached) from C-N (PD) to C-G.

Read the first time on September 1, 1987, and moved to second reading by
unanimous vote of the City Council.

Read the second time and adopted by the City Council on September 1,
1987.

Signed by the Mayor on September 1, 1987.

Roger Hall
Roger Hall, Mayor

ATTEST:

Jerri L. Widner
Jerri Widner, City Recorder

Approved as to form:

Greg Eades
Greg Eades, City Attorney