

City of Milwaukie
PLANNING COMMISSION REGULAR MEETING
April 27, 1976

The regular meeting of the Milwaukie Planning Commission was held on the 27th day of April, 1976, in the Council Chambers. The meeting was called to order by Mark Landis, Vice-President, at 7:04 p.m.

Members present: Jon Nickel (entered 7:07 p.m.) Bob Marquette
Tom Foeller Jerry Mesander
Bob Kennedy Luciano Monetti
Mark Landis

Also present: Cyrus Nims, Planning Director Myer Avedovech, City Attorney
Tim Holder, Assistant Planner Michelle Eaton, Secretary

The pledge of allegiance was recited by those present.

IT WAS MOVED by Kennedy, seconded by Foeller, to approve the minutes of the April 13, 1976, special meeting. MOTION CARRIED unanimously, with Nickel not present, and so ordered. It was the CONSENSUS that approval of the March 23, 1976, regular meeting minutes will be postponed until the exact wording of the motion regarding Willamette Greenway Plan boundaries can be determined.

(Jon Nickel entered meeting - 7:07 p.m.)

AUDIENCE PARTICIPATION

a) Clarence Benson, 10436 S. E. 47th, approached the Commission regarding unimproved Llewellyn Street between 47th Avenue and Home Avenue. He stated there is a property owner in the vicinity who digs in the right of way with a scoop. Mr. Benson was referred to the City Engineer.

PUBLIC HEARINGS

Final conditional use procedure, Willamette Greenway

Public hearing opened at 7:10 p.m., with notices published as required and mailed to property owners within 150 feet of ordinary low water of the Willamette River. Staff report was given by Tim Holder.

Questions raised: Ed Tabrum, 12020 S. E. 28th Avenue
Wilbur Schick, representing Clackamas County Service District No. 1
Gordon Morterud, 12405 S. E. 18th Avenue
Alfred Alwick, 5634 N. E. Broadway, Portland

Hearing was declared closed at 7:32 p.m. There was discussion on removing the conditional use requirement for single family homes in residential zones. IT WAS MOVED by Mesander, seconded by Marquette, that we do not accept the Willamette Greenway conditional use procedure as an amendment to the Zoning Ordinance. MOTION CARRIED, with Landis voting against, and so ordered. This item will be discussed further at the special meeting scheduled for May 11. Staff was directed to invite a representative of LCDC to this meeting to clarify questions of the Commission.

Commissioners were asked to submit their questions and comments to staff prior to the meeting so LCDC could be apprised.

C-76-2 Ken Whitmire, applicant. Request to construct duplex in R-7, Single Family Residential, zone approximately 59 feet east of 28th Avenue on the south side of Lakeside Street

Tom Foeller asked to be excused from consideration of this item due to possible conflict of interest. Public hearing opened at 7:40 p.m., with notices mailed as required. Staff report, recommending approval with condition, was given by Tim Holder.

Correspondence against: F. J. Hoesly, 15409 S. E. Oatfield Road

Speaking in favor: Ken Whitmire, applicant

Speaking against: Ed Tabrum, 12020 S. E. 28th Avenue (presented petition with 21 signatures in opposition, distributed a site plan of property and improvements on the southeast corner of 28th and Lakeside, and displayed photographs of the area)

Questions raised: Jack Shea, 11963 S. E. 28th Avenue
Dan Croft, representing Alene Croft, 2960 S. E. Lakeside

Rebuttal was given by Ken Whitmire. Hearing was declared closed at 8:17 p.m. IT WAS MOVED by Landis, seconded by Mesander, to postpone action on C-76-2 until further study is done on the Flood Hazard zone boundary, in view of the fact that we are considering setting the building back further and requiring additional parking. MOTION CARRIED unanimously, with Foeller abstaining, and so ordered. It was announced that a decision on the conditional use request will be given at the special meeting scheduled for May 11. It was the CONSENSUS that no notices will be sent, but that additional testimony may be taken. Staff was instructed to prepare a long-range plan for the Croft property, directly east of this property.

(Meeting recessed at 8:38 p.m. and reconvened at 8:46 p.m. with all present.)

C-76-3 Milwaukie Covenant Church, applicant. Request to use existing church facilities for pre-school in R-7, Single Family Residential, zone at 12201 S. E. Linwood

Public hearing opened at 8:46 p.m., with notices mailed as required. Staff report, recommending approval, was given by Tim Holder.

Speaking in favor: Lee Nyberg, 8536 S. E. King Road
Burnell Clevenger, 7834 S. E. 45th, Portland

Hearing was declared closed at 8:50 p.m. IT WAS MOVED by Kennedy, seconded by Foeller, to approve C-76-3. MOTION CARRIED unanimously, and so ordered.

N-76-1 C. V. Shephard, applicant. Request to alter and expand existing nonconforming structure in R-5, Single Family Residential, zone on the south side of Llewellyn Street, west of Home Avenue

Luciano Monetti asked to be excused from consideration of this item due to personal involvement with the applicant. Public hearing opened at 8:55 p.m., with notices mailed as required. Staff report, recommending approval with conditions, was given by Tim Holder.

Correspondence in favor: Wallace and Martha Blundon, 10603 S. E. Home Avenue

Speaking in favor: Ed Brekke, attorney representing applicant

Questions raised: Clarence Benson, 10436 S. E. 47th Avenue

Rebuttal for the applicant was offered by C. V. Shephard and Ed Brekke. Hearing was declared closed at 9:40 p.m. IT WAS MOVED by Landis to approve N-76-1 based on the testimony presented in the public hearing and facts presented in the staff findings. MOTION FAILED for lack of second. During discussion it was noted that the Planning Commission only has authority to approve construction on private property, that they have no power to approve construction in the public right of way. It was the CONSENSUS that an alteration did exist in this case. IT WAS MOVED by Landis, seconded by Mesander, to approve N-76-1 based on the testimony presented in the public hearing and facts presented in the staff findings, with the condition that there be no construction in the public right of way. MOTION CARRIED unanimously, with Monetti abstaining, and so ordered. It was the CONSENSUS that no further applications, i.e. variance, would be required in this particular case.

(Meeting recessed at 9:55 p.m. and reconvened at 10:00 p.m. with all present.)

SUBDIVISIONS - PRELIMINARY PLAT APPROVALS

S-76-1 Paul's Mall. Herb Morisette Builders, applicant. Revised preliminary plat of proposed seven lot subdivision in R-7, Single Family Residential, zone at the northerly terminus of 38th Avenue

Jon Nickel asked to be excused from consideration of this item as he is a resident of 38th Avenue. Staff report was given by Tim Holder.

Correspondence received: Louis L. Lino, 10254 S. W. Lancaster Road, Portland

Speaking to the issue: Glen McBride, representing applicant
Louis Casale, real estate agent representing applicant
Jon Nickel, 12216 S. E. 38th Avenue

IT WAS MOVED by Kennedy, seconded by Foeller, to approve the preliminary plat of Paul's Mall with the revisions to make the rear yard of Lot 4 conform to the Zoning Ordinance and re-align Lot 3 so the appendage is not narrower than 35 feet. MOTION CARRIED unanimously, with Nickel abstaining, and so ordered.

S-76-3 Willemar Place. Leonard Waldemar, applicant. Preliminary plat of proposed four lot subdivision, with two additional parcels excluded, in R-7, Single Family Residential, zone on the east side of 42nd Avenue approximately 250 feet north of Mason Lane

Jerry Mesander asked to be excused from consideration of this item. Staff report, recommending approval with conditions, was given by Tim Holder. Len Waldemar was present to answer questions of the Commission. IT WAS MOVED by Kennedy, seconded by Foeller, to approve the preliminary plat of Willemar Place with the following conditions: 1) The two excluded parcels to be included in the proposed subdivision; 2) The one foot reserve strip at the east end of Willemar Way to be dedicated to the City; 3) Detailed physical improvement plans to be approved by the City Engineer; 4) Dedication of 20 foot strip along the south side of the property and on the west side of the property, including proof of ownership; and 5) Reconfiguration of the lots to meet the yard requirements. MOTION CARRIED unanimously, with Mesander abstaining, and so ordered.

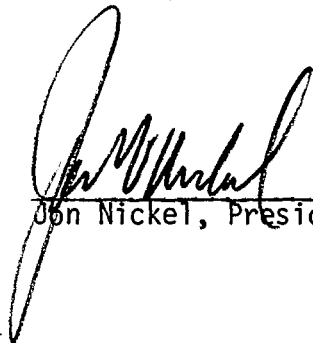
CONSIDERATION

a) IT WAS MOVED by Landis, seconded by Monetti, to adopt Resolution PC-3-76, A Resolution of the Milwaukie Planning Commission Regarding Information Required for Filing Application for Planned Development Zone. MOTION CARRIED unanimously, and so ordered.

CORRESPONDENCE AND OTHER BUSINESS


- a) Jerry Mesander brought to the Commission's attention material he received from Jim Allison, who is organizing an effort to bring power back to the local governments and away from LCDC and CRAG. Staff was directed to make copies for the Commission and Council.
- b) Staff reminded Commissioners of the regional meeting of the League of Oregon Cities to be held April 28 at the West Linn Inn from 2:30 p.m. to 9:30 p.m.
- c) Letter dated April 27, 1976, from City Attorney to Thomas A. Davis regarding Randall v. Milwaukie, et al, was distributed. The City Attorney will keep the Commission informed of the progress of this matter.

Meeting adjourned at 10:45 p.m.



John Nickel, President

ATTEST:



Michelle Eaton, Secretary

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Milwaukie City Planning Commission
REGULAR MEETING AGENDA
April 27, 1976

1. Call to order - 7:00 p.m.
City Council Chambers, City Hall, 10722 S. E. Main Street
2. Minutes of March 23, 1976, regular and April 13, 1976, special meetings
3. Audience participation
4. PUBLIC HEARINGS (7:30)
 - a) Final conditional use procedure, Willamette Greenway
 - b) C-76-2 Ken Whitmire, applicant. Request to construct duplex in R-7, Single Family Residential, zone approximately 59 feet east of 28th Avenue on the south side of Lakeside Street
 - c) C-76-3 Milwaukie Covenant Church, applicant. Request to use existing church facilities for day care type activity in R-7, Single Family Residential, zone at 12201 S. E. Linwood Avenue
 - d) N-76-1 C. V. Shephard, applicant. Request to alter and expand existing nonconforming use and structure in R-5, Single Family Residential, zone on the south side of Llewellyn Street, west of 49th Avenue
5. SUBDIVISIONS - PRELIMINARY PLAT APPROVALS
 - S-76-1 Paul's Mall. Herb Morisette Builders, applicant. Revised preliminary plat of proposed seven lot subdivision in R-7, Single Family Residential, zone at the northerly terminus of 38th Avenue
 - S-76-3 Willemar Place. Leonard Waldemar, applicant. Preliminary plat of four lot subdivision, with two additional parcels excluded, in R-7, Single Family Residential, zone on the east side of 42nd Avenue approximately 250 feet north of Mason Lane
6. CONSIDERATION
 - a) Resolution PC-3-76, Information Required for Filing Application for Planned Development Zone

7. Planning Area Boundary Suggestions
8. Member Assignments
9. LOC meeting