

PLANNING COMMISSION MINUTES

REGULAR MEETING

AUGUST 24, 1982

MEMBERS PRESENT:

DON TROTTER
GEORGE CATHEY
JOHN LITTLEHALES
PATRICIA JAMTGAARD
AL LIANE
BOB BROWN

STAFF PRESENT:

TOPAZ FAULKNER, PLANNING DIRECTOR
JON STEIN, ASSOCIATE PLANNER
CAROL LEE, SECRETARY
STEVE HALL, PUBLIC WORKS DIRECTOR

MEMBERS ABSENT:

REBECCA SWEETLAND

Mr. Trotter called the meeting to order at 7:00 p.m.; Mr. Cathey declared a conflict of interest and excused himself from the panel for the first public hearing on the agenda, Gary Hubbard C-82-13, HUBBARD'S DAIRY QUEEN.

3.1 C-82-13

GARY K. HUBBARD HUBBARD'S DAIRY QUEEN, Applicant
J. EARL JONES, TAMPA TRUST C/O LEE CAPITAL AGENCY, Owner
LOCATED: 11094 S.E. Main Street, Milwaukie
PORPOSAL:

Request to provide a drive-in window which is part of the remodeling of Dairy Queen Restaurant.

Jon presented the Staff Report, and video tape showing the present condition of the site.

APPLICANT'S RESPONSE:

SPEAKING: GARY HUBBARD, Applicant

Mr. Hubbard said it would be an advantage to his business if traffic could be routed off Washington Street through the parking lot and then out to Main Street at the driveway access. Mr. Hubbard mentioned the color will be changed to the more reddish-brown adobe style mansard roof.

Mr. Trotter mentioned two pieces of correspondence had been received: Mr. Joe Bernard, Bernard's Garage; Mr. D. Porter, Western Stations Co. in favor of the request.

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Mr. Cathey said that there may be easement restrictions for a two-way driveway for the property directly east of the site, and suggested that research be done to determine to availability of legal one-way access through the parking lot.

Mr. Trotter made a Motion to approve C-82-13, with the addition of Finding #10, and Modification of Condition #4, and #7; Ms. Jamtgaard Seconded the Motion, it Carried Unanimously.

FINDINGS:

1. The proposal is supported by the following elements of the Comprehensive Plan:
 - A. OBJECTIVE #1 - Economic Development, Policy #2, Page 35.
 - B. OBJECTIVE #2 - Employment Opportunity, Policies #1 and #2, Page 36.
 - C. OBJECTIVE #9 - Downtown Office Center, Policy #3, Page 39.
2. The Fire and Public Works Department support the proposal and all applicable codes will be met.
3. There will not be a minimum of 15% of the site landscaped. Even though landscape materials have not been provided the applicant indicates a variety of landscaping will be planted as per requirements of Zoning Ordinance and Staff. Provision of shade trees will help buffer the site, break up the continuous pavement, and beautify the downtown area.
4. The site and building appearance will be significantly improved. The building will have brown/rust colored tiled mansard roof, tan colored horizontal and vertical grooved siding. Signing will be improved with the replacement of the roof sign by a wall sign over the split entry on the west side of the restaurant. Proposed landscaping will not obscure the sign from Main and Washington Streets.
5. The restaurant will become a full-service facility with indoor and outdoor seating, and a vehicle drive-in window.
6. Vehicle circulation and access is adequate. Emergency vehicle access will not be impeded.
7. The refuse dumpster northeast of the building will be enclosed by a 4' high site-obscuring fence.

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FINDINGS: Continued

8. Pedestrian parking and driveway improvements will be made in compliance with the Zoning Ordinance and Public Works Department requirements.
9. Adverse affects on adjacent properties would be minimal.

CONDITIONS:

1. Drainage, pavement, street, sidewalk, driveway, and utility improvements will be approved by Public Works Department.
2. Procedures for fire protection to be approved by the Fire Department.
3. Reduce the parallel parking space in the southeast corner from 22' to 19', designate it as compact and install a wheel stop on the south side of the space.
4. Provide shade trees within the public right-of-way frontage of Main and Washington Streets, and the northwest corner of the parcel, northwest corner of the building north of the refuse dumpster. Location and type of trees to be approved by Staff.
5. Provide drought resistant plants in the planter at the southwest corner and along the south and west sides of the building. Details to be approved by the Parks and Recreation Director and Planning Staff.
6. Provide sign details to be approved by the Planning Department.
7. Provisions of access regarding easement to be determined by Staff.

Mr. Cathey rejoined the panel.

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MR. LITTLEHALES stepped down from panel due to conflict of interest.

- 3.2 S-82-3; VR-82-15; VR-82-16
GORDON JUDD, Applicant
BYRON ROOT, Property Owner
LOCATED: South of Lake Road, West side of Whereelse Ln.

PROPOSAL:

S-82-3

Proposed replat of Where Else Addition Subdivision into seven lots.

VR-82-15

Request to provide access to flag lot parcels more than two lots in depth from a public street.

VR-82-16

Request to reduce front yard of existing house from minimum 20' to 15' to allow 50' right-of-way dedication and street improvements on Where Else Lane.

Jon presented the Staff Report, and video tape showing current site conditions.

Mr. Trotter explained that even though the request is for a Preliminary Plat, granting of this request would indicate approval of the Final Plat providing there is no change in the Plans. Concerns the audience may have should be mentioned at this Public Hearing.

APPLICANTS'S RESPONSE:

SPEAKING: GORDON JUDD, 25375 S.E. Highway 224, Barton, Ore.

Mr. Judd said the original plan was to have a subdivision of ten lots, the current plan is for seven lots. The purpose of his plan revision is to reduce the amount of drainage on the property. He intends to eventually construct a multi-family dwelling on one of the lots.

There was discussion about easements and access to Lot #7 of the new plat. Mr. Hall mentioned if access was from Lake Road then a variance would be necessary.

Mr. Trotter asked if there was anyone in the audience who wished to testify in favor or opposition to the request.

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SPEAKING: FRED GERARD, 12179 S.E. 37th, Milwaukie

Mr. Gerard said that he is the owner of the property on Lot 2, Block #1, and a 20' perpetual (east/west) easement on the north side of the lot, which the existing stone house is located. He does not know the exact location of the lot lines to his property. The request is to take 15' from the front yard, and add to the back yard of his property. The applicant had not discussed this matter with him prior to the hearing. Mr. Gerard refuses to dedicate 15' of his property to this development. Since the trees are on his property he feels it should be his decision if any of these trees should be removed.

SPEAKING: MAX WAGENECHT, 4216 S.E. Lake Rd., Milwaukie

Mr. Wagenecht said this area is already land locked. Proper access has never been approved through this area. He mentioned that the entire area is susceptible to flooding and excess drainage. He said that emergency vehicle access is virtually impossible to the area. He is opposed to further development until proper access is provided to homes near Julieans Lane.

Mr. Hall explained the drainage study that the City had completed in the past. Attempts have been made to provide access to the area as subdivisions are approved.

SPEAKING: GORDON JUDD, Applicant

Mr. Judd mentioned that 4,500 sq.ft. is being added to the rear yard of Lot 2, Block 1, to compensate for the reduction of 15' from the front yard. Removal of vegetation will be minimal. He feels as though it is a very fair trade off.

Mr. Hall recommended that the Planning Commission continue action of the request until all owners involved are in agreement on legal easements and lot lines. The City should not be involved in settlement of these types of land issues.

Mr. Cathey suggested that it would be necessary for all owners to approve of the plat, agreeing to any covenants and restrictions thereof. Mr. Cathey said that clarification should be presented to the Commission of access to Lot #7 and adjacent lots, as well as parking locations and restrictions.

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Mr. Hall mentioned that the driveway cannot be blocked and must remain open for emergency vehicles at all times.

Mr. Trotter made a Motion for the Commission to continue the Public Hearing until September 28, 1982, unless the applicant request additional time. The Motion was Seconded by Mr. Cathey, and Carried Unanimously.

3.3 VR-82-10; PR-82-3
BROD & MCCLUNG - PACE CO., Applicant
CLAYCO, INC., Property Owner
LOCATED: 9800 S.E. McBrod Ave., Milwaukie

PROPOSAL: CONTINUATION OF JULY 27, 1982 PUBLIC HEARING
Request to erect a new 60' x 60' metal building for use as a paint room, with a floor elevation less than 34', within the Floodway Fringe of the Flood Hazard Zone.

Mr. Trotter asked Staff if the Applicant had confirmed the continuation of the Public Hearing.

Mr. Hall said the Applicant had contacted him acknowledging the requirements of the Public Works Department. The applicant is in the process of compiling the necessary information, however a date of continuation has not been set.

Mr. Trotter said with the consensus of the Commission there would be no action on this request at this time. The other Commissioners concurred. Notification will be sent out again when the Applicant provides the necessary information.

The Commission recessed for a period of 10 minutes, at 8:40 p.m.

8.1 DISCUSSION OF SPECIAL MEETING DATE FOR WORKSHOP ON
DRAFT ORDINANCE.

Mr. Trotter said the Commission should make every effort to complete discussion of the Draft Ordinance at the meeting of September 14, if the Commission has not finished it's discussion at that time a special meeting should then be set.

Mr. Trotter announced that Ms. Jamtgaard is resigning from the Commission due to personal responsibilities, effective Sept. 1, 1982.

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7.1 CONTINUED DISCUSSION OF DRAFT ZONING ORDINANCE:

Beginning with Section 11, Page B-267.

Section 1108.01 - PLANNING COMMISSION:

Modify to read: No more than two persons shall reside outside the city.

Section 1108.04 - Conditions:

Delete word "reasonable".

Section 1109.01 - DESIGN REVIEW BOARD:

Capitalize words " Realtor and Builder".

Section 1109.02 - Duties:

Add reference to Section 800.

Section 1110.1 - PLANNING DIRECTOR:

Delete the sentence: The Planning Director's decision may be appealed to the Planning Commission.

Section 1110.03 - Appeal

Modify to read: The Planning Director's decision may be appealed to the Planning Commission in accordance with Section 1111 of this Ordinance.

Section 1111.01 - Appeal

Should be reworded.

Section 1111.09.B - Appeals Procedure:

Modified to read: Remand the appealed decision to the Planning Commission or Design Review Board or the original disciplining body.

Section 1117.01 - Violations and Penalties:

Modify to read: . . .subjecto to a fine of not more than \$1,000. per day, for a period not to exceed 180 days, or both.

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Section 1117.02 - Violations and Penalties:

Reference to penalties and requirements for occupancy permit and Performance Bond should be listed here and under appropriate Conditions.

There were no other modifications to the Draft Ordinance.
The Meeting adjourned at 10:20 p.m.

AGENDA

PLANNING COMMISSION

REGULAR MEETING

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- 1.0 CALL TO ORDER AT 7:00 P.M.
- 2.0 PROCEDURAL QUESTIONS
- 3.0 PUBLIC HEARINGS
- 3.1 GARY K. HUBBARD, HUBBARD'S DAIRY QUEEN, Applicant
J. EARL JONES, TAMPA TRUST c/o LEE CAPITAL AGENCY, OWNER
C-82-13 Conditional Use Request
LOCATED: 11094 SE Main Street, Milwaukie
PROPOSAL: Request to provide a drive-in window which
is part of remodeling of Dairy Queen Restaurant.
- 3.2 GORDON JUDD, Applicant
BYRON ROOT, Property Owner
LOCATED: South of Lake Road, West side of Whereelse Ln.

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into 6 lots.

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VR-82-16
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minimum 20' to 15' to allow 50' right-of-way dedication
and street improvements on Whereelse Lane.
- 3.3 BROD & McCLUNG - PACE CO., Applicant
CLAYCO, INC., Property Owner
VR-82-10; PR-82-3
LOCATED: 9800 SE McBrod Ave., Milwaukie
PROPOSAL: CONTINUATION OF JULY 27, 1982 PUBLIC HEARING
Request to erect a new 60' x 60' metal building
for use as a paint room, with a floor elevation less
than 34', within the Floodway Fringe of the Flood
Hazard Zone.

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- 4.0 PUBLIC COMMENT
- 5.0 CONSIDERATION
- 6.0 CONSENT AGENDA
 - 6.1 CITY COUNCIL MEETING MINUTES: August 3, 1982
 - * 6.2 PLANNING COMMISSION MEETING MINUTES: July 27, 1982
- 7.0 OLD BUSINESS
 - 7.1 CONTINUED DISCUSSION OF DRAFT ZONING ORDINANCE:
BEGINNING WITH SECTION 11, Page B-267.
- 8.0 OTHER BUSINESS
 - 8.1 DISCUSS SPECIAL MEETING DATE FOR WORKSHOP ON
DRAFT ORDINANCE.