

City of Milwaukie
PLANNING COMMISSION REGULAR MEETING
April 26, 1977

The regular meeting of the Milwaukie Planning Commission was held on the 26th day of April, 1977, in the Council Chambers of City Hall. The meeting was called to order by Mark Landis, President, at 7:00 p.m.

Members present: Mark Landis Jim Lotz
Tom Foeller Bob Kennedy
Bob Gudge Louie Monetti

Members excused: Bob Marquette

Also present: Cy Nims, Planning Director Michelle Eaton, Secretary
Myer Avedovech, City Attorney

The pledge of allegiance was recited by those present.

Mark Landis gave background information on land use planning and the function of Planning Commissions.

IT WAS MOVED by Kennedy, seconded by Foeller, to approve the minutes of March 22, 1977, regular meeting as published. MOTION CARRIED unanimously, and so ordered.

PUBLIC HEARINGS

ZC-77-2 Ed W. Lucas, applicant. Ed W. Lucas, Robert M. Larson, and Reynold Anderson, property owners. Request to change zone from R-7, Single Family Residential, to A-3, Apartment Residential, on the north side of King Road at 5001 block.

Public hearing was recessed from the March 22 regular meeting and was reconvened at 7:09 p.m. Staff report, recommending denial, was given by Cy Nims.

Correspondence in opposition: Mrs. James E. Batdorf, 4916 S. E. Mullan
James Stell, 10166 S. E. 49th Avenue
Cora & Kim Wadsworth, 4990 S. E. Mullan
Patty Miller & Theresa Tormoehlen, 5004 S. E. Mullan
Lester & Ethel Boring, 5156 S. E. King Road

Other correspondence: Memorandum dated April 20, 1977, from Neighborhood Council #3 Executive Board
Memorandum dated November 12, 1976, from Acting Fire Chief Al Jones

Speaking in favor: Ed Lucas, applicant
Reynold Anderson, owner of 4989 S. E. King Road

Speaking in opposition: Pierre Brunelle, representing Neighborhood Council #3
Byron Williams, 10312 S. E. 49th Street

Questions raised: Reynold Anderson, owner of 4989 S. E. King Road
Mrs. Gilham, 10016 S. E. 49th Avenue
Harriet Jones, 10146 S. E. 51st Avenue

Pierre Brunelle, 5556 S. E. Logus Road

Rebuttal: Ed Lucas, applicant.

Public hearing was declared closed at 8:27 p.m. IT WAS MOVED by Foeller, seconded by Lotz, to recommend denial of the application for zone change to A-3 on the basis of too high of density in an area which is primarily single family; obviously would like to remain somewhere close to it; and to recommend that the applicant and the staff get together on a Planned Development proposal with a zone change request to R-5 if necessary, something on the order of the proposal Mr. Nims showed us there, with some duplexes and keeping the trees; based on the staff report and testimony and correspondence received. MOTION CARRIED unanimously, and so ordered. It was the CONSENSUS that future development in this block should reflect the need for extension of Mullan Street. It was also the CONSENSUS that the developer and staff try to work out a Planned Development with a density in the range of R-5 to R-7.

(Meeting recessed at 8:45 p.m. and reconvened at 9:00 p.m. with all present.)

C-77-5 Lawrence A. Neer, Sr., applicant. Lawrence A. Neer, Sr., and Gloria Wittfoth-Neer, property owner. Request to remove existing single family residence and construct a duplex in R-7, Single Family Residential, zone at 3955 S. E. Roswell.

Public hearing opened at 9:00 p.m., with notices mailed as required and mailed to residents of property within 250 feet of the subject property. Staff report, recommending approval with two conditions, was given by Cy Nims.

Correspondence in opposition: Petition received April 26, 1977 with ten signatures in opposition
Jerry Hayes, 8833 S. E. 40th Avenue

Speaking in favor: Lawrence A. Neer, Sr., applicant

Speaking in opposition: Jerry Hayes, 8833 S. E. 40th Avenue
Patricia Boyd, 8836 S. E. 40th Avenue

Questions raised: Rick DeMars, 8809 S. E. 40th Avenue
Jerry Hayes, 8833 S. E. 40th Avenue
W. Fred Boyd, 8836 S. E. 40th Avenue

Rebuttal: Lawrence A. Neer, Sr., applicant

Hearing was declared closed at 10:08 p.m. IT WAS MOVED by Foeller, seconded by Monetti, to table C-77-5 until the next regular Planning Commission meeting and that during that time the applicant present his proposal to the Neighborhood Council, and that he and the Neighborhood Council represent this at the next public hearing. MOTION WAS AMENDED with consent of the second to replace the words "next public hearing" with "next Planning Commission meeting". MOTION AND AMENDMENT WERE WITHDRAWN. IT WAS MOVED by Foeller, seconded by Monetti, to table decision on C-77-5 until the next regular Planning Commission meeting. MOTION CARRIED unanimously, and so ordered. It was the CONSENSUS that the staff arrange for a meeting for further discussion of the issue between the applicant and the neighborhood group, either at a Neighborhood Council meeting or a meeting of owners and residents in the immediate

area of the proposed duplex. A report of this meeting will be given at the next Planning Commission regular meeting, hearing from the applicant and a representative of the neighborhood group.

C-77-6 Oregon Educational and Public Broadcast Service, applicant. State of Oregon, property owner. Request to install a receive only ground terminal television microwave antenna, place a two foot diameter ground terminal to studio microwave antenna atop existing water tower, and erect eight foot by 12 foot by eight foot equipment building within a proposed 50 foot by 55 foot fenced compound in M-L, Limited Manufacturing, zone at 9079 S. E. McLoughlin Blvd.

Public hearing opened at 10:30 p.m., with notices mailed as required and mailed to occupants of property within 250 feet of the subject property. Staff report, recommending approval with 5 conditions, was given by Cy Nims.

Speaking in favor: Bill McGrath, representing applicant
Bill Johnson, representing property owner

Questions raised: Pat Sheehan, 9500 S. E. Main Street

No correspondence was received and no person appeared to speak in opposition. Hearing was declared closed at 10:43 p.m. IT WAS MOVED by Kennedy, seconded by Foeller, to approve C-77-6 with the following conditions: 1) The proposal be reviewed by the Design Review Board with a recommendation that particular attention be given to visual screening of the antenna and equipment building from potential park property on the west side of Johnson Creek; 2) The structure be designed by a registered engineer and submitted to the Corps of Engineers for approval; 3) The floor elevation of the equipment building and metal support structures for the antenna be raised to elevation 43 feet. MOTION CARRIED unanimously, and so ordered.

C-77-7 Americana Pool Equipment Co., applicant. J. and F. Industries, property owner. Request to use a portion of an existing manufacturing building for retail sales of pool tables and swimming pools in M-L, Limited Manufacturing, zone at 9500 S. E. Main Street

Public hearing opened at 10:45 p.m., with notices mailed as required and mailed to occupants of property within 250 feet of the subject property. Staff report, recommending approval with one condition, was given by Cy Nims. Tom Foeller requested that he be excused from consideration of this request due to a possible conflict of interest.

Speaking in favor: Pat Sheehan, representing applicant

No person appeared to speak in opposition and no correspondence was received. Hearing was declared closed at 10:50 p.m. IT WAS MOVED by Lotz, seconded by Kennedy, to approve C-77-7 for reasons outlined in the staff report with the condition that retail activity be limited to the area outlined for retail use on the applicant's Exhibit A; if any change or expansion is made, approval by the Planning Commission under the conditional use procedure will be required. MOTION CARRIED unanimously and so ordered.

VARIANCE REQUEST

VR-77-3 Donald R. Wallen, applicant. Request to add to existing single family residence with an 18 foot, 6 inch, street side yard setback, 1 foot, 6 inches, less than the 20 feet required in R-10, Single Family Residential, zone at 12738 S. E. Boss Lane.

Staff report, recommending approval with one condition, was given by Cy Nims. No person was present regarding this request. IT WAS MOVED by Kennedy, seconded by Foeller, to approve VR-77-3 for reasons outlined in the staff report, with the condition that the roof overhang on the Angela Street frontage be reduced to a maximum of 36 inches. MOTION CARRIED unanimously and so ordered.

SUBDIVISION-FINAL PLAT

S-76-7 Shasta Estates, Covenant Properties West, applicant. Request for approval of a proposed 11 lot subdivision on the north side of Railroad Avenue approximately 460 feet west of Linwood Avenue.

Staff report, recommending approval with two conditions, was given by Cy Nims. Staff informed Commissioners that compliance with condition 1 had been resolved, and that approval of the plat as submitted would satisfy condition 2. No person was present regarding this request. IT WAS MOVED by Lotz, seconded by Monetti, to approve the final plat of Shasta Estates. MOTION CARRIED unanimously and so ordered.

OLD BUSINESS

Review requirement for sidewalk installation for C-76-10, Hanna retail sales of sporting goods in M-L, Limited Manufacturing, zone at 2001 S. E. Harvester.

Staff report, recommending installation of sidewalks to City standards, was given by Cy Nims. IT WAS MOVED by Kennedy, seconded by Foeller, that sidewalks and curbs as shown on the plans submitted by the applicant be installed to City standards including a ramp on both sides of drive openings at a 1:6 slope. MOTION CARRIED unanimously and so ordered.

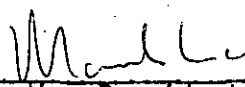
CORRESPONDENCE AND OTHER BUSINESS

a) A-77-2 Milwaukie Pioneer Cemetery Trustees, applicant. Request to annex Milwaukie Pioneer Cemetery located on the west side of 17th Avenue approximately 140 feet north of Waverly.

Staff report recommending favorable recommendation to the City Council, was given by Cy Nims. IT WAS MOVED by Lotz, seconded by Kennedy, to recommend approval of the requested annexation to the City Council, and that the Council instruct staff to proceed with the necessary processing. MOTION CARRIED unanimously and so ordered.


- b) Resolution assigning zoning designations to property proposed for annexation on the north side of Highway 224 at Rusk Road was tabled pending final action on the annexation request by the Boundary Commission.
- c) Letter dated March 28, 1977, from Oregon Liquor Control Commission requesting a six-month extension of C-76-13, conditional use permit to construct an addition to the O.L.C.C. warehouse in M-L, Limited Manufacturing, zone at 9079 S. E. McLoughlin was distributed. Staff report, recommending approval of the request, was given by Cy Nims. IT WAS MOVED by Foeller, seconded by Gudgel, to approve a six-month extension of C-76-13. MOTION CARRIED unanimously and so ordered.
- d) Memorandum dated April 26, 1977, from staff regarding 44th Avenue street vacation was distributed. IT WAS MOVED by Kennedy, seconded by Monetti, to table consideration of the vacation request. MOTION CARRIED unanimously, and so ordered. Staff was instructed to investigate the possibility of creating a building lot if this portion of 44th Avenue were vacated.
- e) Memorandum dated April 8, 1977, from Tim Holder regarding his resignation was distributed. It was the CONSENSUS that the Planning Commission send a letter of appreciation and commendation to Mr. Holder for his service with the City.
- f) Publication dated November 1976 by League of Women Voters entitled "Focus on Oregon's Drinking Water" was distributed for information.
- g) Memorandum dated April 25, 1977, to Neighborhood Councils from Janet H. Mandaville regarding North Clackamas Park Improvement was distributed for information.
- h) Memorandum dated March 24, 1977, from City Council regarding City Attorney's report on mandatory dedication was distributed for information.
- i) Change in plans for storage shed for Clayco in M-L (FF), Limited Manufacturing (Flood Fringe), zone at 9800 S. E. McBrod approved by the Planning Commission under FF-77-2 was reviewed. IT WAS MOVED by Kennedy, seconded by Gudgel, to approve the modification in plans as submitted. MOTION CARRIED unanimously and so ordered.

Meeting adjourned at 11:25 p.m.



Mark Landis, President

ATTEST:



Michelle Eaton, Secretary

Milwaukie City Planning Commission
REGULAR MEETING AGENDA
April 26, 1977

1. Call to order - 7:00 p.m.
City Hall, Council Chambers, 10722 S. E. Main Street
2. Minutes of March 22, 1977, regular meeting
3. Audience participation
4. PUBLIC HEARINGS
 - ZC-77-2 Ed. W. Lucas, applicant. Ed. W. Lucas, Robert M. Larson, and Reynold Anderson, property owners. Request to change zone from R-7, Single Family Residential, to A-3, Apartment Residential, on the north side of King Road at 5001 block
 - C-77-5 Lawrence A. Neer, Sr., applicant. Lawrence A. Neer, Sr., and Gloria Wittfoth-Neer, property owner. Request to remove existing single family residence and construct a duplex in R-7, Single Family Residential, zone at 3955 S. E. Roswell.
 - C-77-6 Oregon Educational and Public Broadcast Service, applicant. State of Oregon, property owner. Request to install a receive only ground terminal television microwave antenna, place a two foot diameter ground terminal to studio microwave antenna atop existing water tower, and erect 8 ft. by 12 ft. by 8 ft. equipment building within a proposed 50 ft. by 55 ft. fenced compound in M-L, Limited Manufacturing, zone at 9079 S. E. McLoughlin Blvd.
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 - VR-77-3 Donald R. Wallen, applicant. Request to add to existing single family residence with an 18 foot, 6 inch, street side yard setback, 1 foot, 6 inches, less than the 20 feet required in R-10, Single Family Residential, zone at 12738 S. E. Boss Lane.
6. SUBDIVISION-FINAL PLAT
 - S-76-7 Covenant Properties West, applicant. Request for approval of a proposed 11 lot subdivision on the north side of Railroad Avenue approximately 460 feet west of Linwood Avenue.
7. OLD BUSINESS
 - a. Review requirement for sidewalk installation for Hanna retail sales of sporting goods in M-L, Limited Manufacturing, zone at 2001 S. E. Harvester.

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8. CORRESPONDENCE AND OTHER BUSINESS

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- b. Resolution PC-77-1 assigning zoning designations to property to be annexed on the north side of Highway 224 at Rusk Road.
- c. Request for six month extension of C-76-13, Oregon Liquor Control Commission's request to construct addition to Oregon Liquor Control Commission warehouse in M-L, Limited Manufacturing, zone at 9079 S. E. McLoughlin Blvd.
- d. Memorandum dated March 24, 1977, from City Council requesting recommendation on vacation of a portion of 44th Avenue.
- e. Memorandum dated April 8, 1977, from Tim Holder regarding his resignation.
- f. Publication dated November 1976 by League of Women Voters entitled "Focus on Oregon's Drinking Water".