

PLANNING COMMISSION MINUTES

REGULAR MEETING

AUGUST 10, 1982

MEMBERS PRESENT:

DON TROTTER
GEORGE CATHEY
JOHN LITTLE HALES
REBECCA SWEETLAND
PATRICIA JAMTGAARD
BOB BROWN
AL LIANE

STAFF PRESENT:

TOPAZ FAULKNER, PLANNING DIRECTOR
JON STEIN, ASSOCIATE PLANNER
CAROL LEE, SECRETARY
LARRY CONRAD, PLANNING INTERN

Mr. Trotter opened the meeting; Mr. Liane claimed a conflict of interest in the application of Mr. Sass (VR-82-14) and stepped down from the panel during the Public Hearing.

3.1 VR-82-14

MARK SASS, Applicant and Property Owner
10132 S.E. 36th Avenue, Milwaukie

PROPOSAL:

Request to extend the roof line of an existing carport 10' west, 0' from the south property line, rather than the minimum 5'. A variance of 5' is requested. The 9' x 10' addition has been partially constructed.

Jon presented the Staff Report, and explained the requirements of the Developer's Agreement.

Mr. Trotter asked Mr. Sass if he intended to enclose the carport in the future.

APPLICANT'S RESPONSE:

SPEAKING: MARK SASS, 10132 S.E. 36th Avenue, Milwaukie

Mr. Sass said he would keep the structure as a carport.

SPEAKING: ANN RUSH, 10124 S.E. 36th Ave., Milwaukie

Ms. Rush said she was in favor to the request because it had been constructed well and has a good appearance.

The Public Hearing closed at 7:20 p.m.

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There were comments about the possibility of enclosing the walls of the carport to convert it into a garage in the future.

Mr. Trotter made a Motion to approve VR-82-41 as per recommendation of Staff Report with additional Conditions as stated below; the Motion Carried Unanimously.

FINDINGS:

1. Most other homes in the vicinity have a garage or standard size carport.
2. Covered parking is a requirement of Section 5.01.a - Off-Street Parking Requirement of the Zoning Ordinance.
3. The undersized existing carport and driveway 0' from the south property line are unusual conditions.
4. The Applicant is requesting to extend the existing roof line of the carport.
5. A typical carport is 10' - 12' wide and 20' - 24' long. The overall dimension will be 9' x 26'. The carport will be 27' from the west property line, which exceeds the minimum front yard setback by 7'.
6. Side yard variance could be eliminated by decreasing the width of the addition. However the utility would be significantly reduced.
7. The applicant would benefit from additional covered storage area.
8. Emergency vehicle access is available on the north side of the house.
9. There will be no loss of open space and existing vegetation will be maintained.
10. The addition will be partially obscured from the house to the south by the pine tree and row of arborvitae.
11. The proposal is supported by Objective #4 - Neighborhood Conservation, Policy #5, Page 31 of the Comprehensive Plan.
12. The addition will conform and be compatible with the existing roof line.
13. The site will be upgraded.

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FINDINGS: Continued

14. Staff does not recommend that the driveway be improved to City Standards at this time. The level of improvements is relatively small and impact negligible. Upgrading the driveway to City Standards usually recommended by Staff when there are significant site improvements.
15. No adverse testimony present at the public hearing.

CONDITIONS:

1. Submit a Developer's Agreement for street improvements on 36th Avenue to specifications of the Public Works Department.
2. Driveway shall be upgraded when improvements are made to 36th Avenue.
3. South and west side of carport shall remain open.

Mr. Trotter left the panel, Ms. Jamtgaard continued the meeting.

Mr. Liane returned to the Commission panel.

- 3.2 C-82-14; VR-82-13
LINWOOD LEARNING CENTER, Applicant
LINWOOD ALLIANCE CHURCH, Property Owner
11900 S.E. Stanley Avenue, Milwaukie

PROPOSAL:

Request to operate a day care center in an existing church at 11900 S.E. Stanley Avenue.

Jon presented the Staff Report

There was discussion regarding the supervision of children, and the amount of indoor activity. Fencing would be provided for the safety of the children, as well as handicapped access provided to the building. The Learning Center would apply and meet all requirements of State Certification.

Mr. Cathey, made a Motion that Condition #5 be added for approval of the request C-82-14; VR- 82-13; Ms. Sweetland Seconded the Motion, it passed unanimously.

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FINDINGS:

1. The proposal will occupy existing classrooms in the ground floor of the church building. The existing structure will not be altered or expanded. A sign will be erected that is compatible with the existing free-standing church sign.
2. There will be maximum of 20 children ranging in ages from 2½ to 12. The third staff member will be hired when enrollment exceeds 10 to 12 students. The hours of operation will be 7 a.m. to 6 p.m., Monday through Friday, and will not conflict with church activities.
3. School playground directly east will be used as a primary activity area. Linwood School principal has given verbal approval to the use of the school playground.
4. Play time will be supervised with a maximum of ten children per teacher. Outdoor activities will be limited to the fenced play area during peak traffic periods. Precautions will be taken to keep activities away from heavily traveled roadways.
5. Proposal is supported by Objective #1, Single-Family Character, Neighborhood Area #5, Page 60, of the Comprehensive Plan.
6. Existing landscaping will not be modified. The property owner has landscaped the area around the mobile home in compliance with Conditional Use C-80-18. Activity area will be partially screened from the north and south.
7. Off-Street parking is adequate. Children will be dropped off and picked up at the parking lot, west and south of the church. Children will enter the front of the church and use the flight of stairs down to the classroom area. Close proximity of the church building to the school playground is a unique condition. The variance request is to provide a 1,000 sq.ft. fenced outdoor play area, rather than the minimum 2,000 sq.ft. for a maximum of 20 children. The Zoning Ordinance requires a minimum fenced outdoor area of 100 sq.ft. per child. However, play time within the fenced area will be limited to a maximum of ten children; to reducing the impact of the variance. The minimum fenced area of 100 sq.ft. per child will not be exceeded. Other impacts will be minimal.

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CONDITIONS:

1. All sign details to be approved by the Planning Department.
 2. Provide assurance that there will be constant supervision in the outdoor activity area.
 3. Submit written agreement from Linwood School approving the use of the school playground for the day care center.
 4. Children will be kept within the fenced activity area and indoors during the school peak traffic hours.
 5. The day care center must be certified.
- 8.1 Topaz presented an update on the riverfront and boat ramp project. A grant has been approved providing funds of \$20,000. from the Fish and Wild Life Department, and \$30,000. from the Marine Board for boat ramp improvements. Construction will begin in the fall.

Topaz also mentioned the current negotiations with the McLoughlin project being funded by transfer of Mt.Hood Hwy. funds. Mr. Brown was concerned about provision of a pedestrian bridge and bike path along the proposed project, and asked Staff to research the possibility of available funds.

7.1 CONTINUED DISCUSSION OF THE DRAFT ZONING ORDINANCE
SECTION #10, Page 251.

Larry explained the three levels of discretionary permits: Administerial Action, where applicant has the right to petition the court for approval; Discretionary Action, when the Commission may apply conditions upon granting approval; Legislative Action, a process of setting policy.

Section 1010.01.B: add wording: . . . presently provided with or will be provided adequate public facilities, services . . .

Topaz mentioned a new process is being considered to record new ownership with title in the County Clerk's office for all Conditional Uses listing all applicable conditions.

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Section 1035.04 - Seasonal Uses: Add "E" to read: The use
will not be detrimental to public health and safety.

There were no other modifications to the Draft Ordinance.

The meeting adjourned at 10:15 p.m.

AGENDA

PLANNING COMMISSION

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- 1.0 CALL TO ORDER AT 7:00 P.M.
- 2.0 PROCEDURAL QUESTIONS
- 3.0 PUBLIC HEARINGS
 - 3.1 VR-82-14
MARK SASS, Applicant and Property Owner
10132 SE 36th Avenue, Milwaukie

PROPOSAL:
Request to extend the roof line of an existing carport 10' west, 0' from the south property line, rather than the minimum 5'. A variance of 5' is requested. The 9' x 10' addition has been partially constructed.
 - 3.2 C-82-12; VR-82-13
LINWOOD LEARNING CENTER, Applicant
LINWOOD ALLIANCE CHURCH, Property Owner
11900 SE Stanley Avenue, Milwaukie

PROPOSAL:
Request to operate a day care center in an existing church at 11900 SE Stanley Avenue.
- 4.0 PUBLIC COMMENT
- 5.0 CONSIDERATION
- 6.0 CONSENT AGENDA
 - * 6.1 City Council Meeting Minutes: July 20, 1982
 - * 6.2 Planning Commission Special Meeting Minutes:
July 8, 1982.
- 7.0 OLD BUSINESS
 - 7.1 CONTINUE DISCUSSION OF DRAFT ZONING ORDINANCE:
SECTIONS 10 and 11.
- 8.0 OTHER BUSINESS
 - 8.1 UPDATE ON RIVERFRONT PROPERTY