

MEETING OF AUGUST 20, 1963

The regular meeting of the Milwaukie Planning Commission was held on the twentieth day of August, 1963

The meeting was called to order by Chairman W. Henry Stewart.

Present were Commission Chairman W. Henry Stewart; Commissioners Joseph M. Bernard Jr., Paul Baer, John O. Sheldahl, Cecil Nickles, Marvin Sheock, Earl S. Burdick and Max Thompson. Absent: Commissioners Roger Hollingsworth and David Strauss.

It was moved by Nickles and seconded by Shrock that the minutes of the regular meeting of the Commission, held on the sixteenth day of July, 1963, and the minutes of a special meeting of the Commission, held on the thirtieth day of July 1963, be not read at this time. Motion carried and so ordered.

Mr. Jerry Carpenter, 1516 32nd Street, laid before the Commission plans for a duplex dwelling to be built on the North $\frac{1}{2}$ of Lots 3 and 4, Block 12, Quincy Addition, and requested a permit for the same. Mr. Carpenter agreed to change the windows to a lower level in the bedrooms. It was moved by Bernard and seconded by Baer that providing there will be off street parking provided, and that the building will be constructed according to the City's building code, the permit be granted. Motion carried and so ordered.

A letter from Frances and Raymond Gitch, complaining of a horse which is running at large, was read. It was moved by Nickles and seconded by Sheldahl that the owners of the horse be cited to appear at the next meeting of the Commission and that Mr. and Mrs. Gitch be invited to attend also. Motion carried and so ordered.

It was moved by Burdick and seconded by Sheldahl that Paul Hager, 2746 Washington Street be cited to appear at the next meeting of the Commission with regard to pasturing goats on his property without a permit. Motion carried and so ordered.

Mr. Patrick D. Gilroy, Attorney for Mr. and Mrs. Darrell Davis, 11895 Thorne St. laid before the Commission, an appeal to use their basement as a kindergarten from 9:00 to 11:30 o'clock A.M. Mr. Gilroy stated that during 1961-62 the Davises had operated a kindergarten at 3412 N.E. 132nd Avenue Portland and presented a petition of approval and recommendation signed by eleven residents in that neighborhood. Mr. Gilroy stated that there were approximately thirty homes in Stanley Park and that twenty-five owners of properties there had signed a petition favoring a kindergarten at the Davis property, and presented this petition. He also presented a sketch showing favorable and unfavorable properties. There were several interested citizens present who spoke on this question pointing out the great need of kindergartens in this area, some of these people did not live in Stanley Park. Those who voiced their objection were all residents of Stanley Park, with addresses as follows: 10825, 11810, 11845, 11830, all on Thorne St. They all objected to the traffic congestion which the kindergarten might cause, and the use that might be made of their driveways as turn-arounds. It was moved by Burdick and seconded by Shrock that this question be temporarily tabled and that the Commission proceed with the business before it, following which they go into executive session to review what has been heard, and formulate their recommendation to the City Council. Motion carried and so ordered.

Mr. Ed. Lucas, 10735 S.E. Idleman Road, laid before the Commission, plans for a duplex dwelling which he proposed to build on the So. $\frac{1}{2}$ of Lot 11, Block 8, Bonnie View Acres. Mr. Lucas also presented the consents of adjacent property owners. It was moved by Burdick and seconded by Sheldahl that the permit be granted. Motion carried and so ordered.

Mr. Leo Marson, 2840 S.E. Balfour St. requested a permit to replace his garage with a carport, using the same location as was used for the garage. All set-back requirements were conforming to the zoning ordinance. It was moved by Nickles and seconded by Baer that the permit be recommended. Motion carried and so ordered.

Mr. Gary Thomas Ewing, 735 S.E. Lexington, Portland, requested a permit to use a building at 794 Ochoco as a concert hall where he would have "folk music" concerts two nights each week. Mr. Ewing stated that he would charge admission and serve coffee, and that the residents in the immediate neighborhood approved of this use of the property. It was pointed out that this property was zoned Industrial and that this use of the property was not permitted in the Industrial Zone.

Reverend Richard Dye, of the "Open Bible Church" requested a recommendation for a permit to build a church on Lot 14, Block 1, Appleby Acres (3329 Filbert Street). Reverend Dye stated that the lot was 78 X 200 feet and that twenty-five off-street parking spaces would be provided. It was moved by Nickles and seconded by Shrock that the Commission hold a public hearing on this question on the thirteenth day of September, that notice of the same be published on September 5 and 12 and that the residents in the affected area be notified. Motion carried and so ordered.

Mr. McNutt, of Patterson Properties, 1706 Bridgeway Blvd, Sausalito, California, laid before the Commission a tentative plan for apartments proposed to be placed on Tax Lots 139, 139-1-2, Lot Whitcomb D.L.C. and presented a request from the present owners of the property for a change of zone for this property. It was moved by Nickles and seconded by Baer that the Commission institute a change of zone from 3-R-1 to 3-R-2 SPECIAL zone and that the following Resolution be adopted.

RESOLUTION NUMBER P.C.-6-1963

WHEREAS, after due consideration of the minimum requirements for general welfare as established by Ordinance No. 481, as amended, of the City of Milwaukie, Oregon, and after careful consideration of the need for multiple family dwellings within the City, and the necessity of rezoning certain areas of the City occasioned thereby, and

WHEREAS, the owners of real property described hereunder have, in writing, requested that the said property be rezoned from its present classification to the 3-R-2 SPECIAL zone, the City Planning Commission of the City of Milwaukie, Oregon, has determined that it is now necessary and advisable to initiate proceedings to accomplish the rezoning of the following described property, to-wit:-

A part of the Lot Whitcomb D.L.C. in the County of Clackamas and State of Oregon, more particularly described as follows:

Beginning at the southwest corner of the William Meek D.L.C. in T.1 S., R.1 E., W.M, thence South $30^{\circ}40'$ West 37.70 feet to an iron pipe set at the northeast corner of a tract of land conveyed to Lottie Chase Smith in Clackamas County Deed Book 120, page 430 and the true place of beginning of the tract herein described; thence South $19^{\circ}44'$ East tracing the easterly line of said Smith tract 354.75 feet to an iron pipe set on the north line of Portland Traction Co. right-of-way; thence easterly tracing said northerly right-of-way line of the Portland Traction Co. right-of-way to the westerly boundary of that certain tract conveyed to Pendleton Woolen Mills by deed recorded in Clackamas County Deed Book 593, page 81; thence North $04^{\circ}23'$ west tracing

the westerly boundary of the said Pendleton Woolen Mills tract 61.80 feet to a point; thence North 19°36' west, tracing the westerly boundary of Pendleton Woolen Mills tract to the northwest corner thereof; thence Southwesterly along the south-erly boundary of a fifteen foot roadway to the true point of beginning.

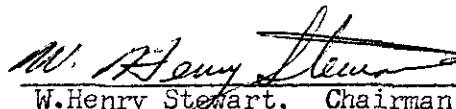
so as to remove and withdraw the said property from Zone 3-R-1, as established by the Zoning Ordinance of the City of Milwaukie, Oregon. as amended, and incorporate and include the same within the 3-R-2 SPECIAL Zone as established by said Ordinance.

NOW THEREFORE BE IT RESOLVED BY THE CITY PLANNING COMMISSION OF THE CITY OF MILWAUKIE, OREGON, that by virtue of the foregoing and by virtue of the provisions of Section 9 of the Zoning Ordinance of the City of Milwaukie, Oregon, as amended, that proceedings be and the same hereby are initiated by said City Planning Commission to accomplish the rezoning of the above described property so as to remove and withdraw the said property from Zone 3-R-1 as established by the said Zoning Ordinance, as amended, and to incorporate and include the same within the 3-R-2 SPECIAL Zone as established by said Ordinance 481, as amended.

BE IT HEREBY FURTHER RESOLVED that the 13th day of September, 1963 be and the same hereby is fixed as the date and the hour of eight-thirty (8:30) o'clock P.M., Pacific Daylight Time, be and the same is hereby fixed as the time, and the Council Chamber of the City Hall, 926 Main Street, Milwaukie, Oregon, be and the same is hereby fixed as the place at which a public hearing shall be held to afford the owners of said real property, persons particularly interested, and the general $\frac{1}{2}$ public an opportunity to be heard on the question of the zoning change hereby initiated.

BE IT FURTHER RESOLVED that the City Recorder of the City of Milwaukie, Oregon be and he hereby is authorized and directed to cause a notice of said public hearing to be published in the Milwaukie Review, a local newspaper published in Milwaukie, Oregon, and a newspaper of general circulation within said municipality. Such notice shall be published once within the week within which the public hearing is to be held as provided by ORS.227.260, and as provided by Section 9 of the Zoning Ordinance of the City of Milwaukie, Oregon.

Adopted this 10th day of August, 1963


W. Henry Stewart, Chairman

ATTEST:


Paul Baer, Secretary.

Motion carried and so ordered.

Mr. J.F. Collins, 1735 S.E. Oak Shore Drive, requested a permit to build a four family dwelling on part of Lot 2 Block 1, Homewood Park. The property is 81'X150' Mr. Collins was advised that this property is not in the multiple family zone.

Mrs. Ken Waymire, 15550 Worthington St. laid before the Commission a tentative drawing of the Plat of Kent Place. The plat showed a fifty foot dead end street, which the Waymires agreed to widen to sixty feet at the west end of Kent Street to allow a turn-around. It was moved by Nickles and seconded by Burdick that the Chairman be authorized to sign the finished copy of the Plat, providing plat showed the west end of Kent Street to be sixty feet in width. Motion carried and so ordered.

Mr. R.E. MacKenzie, 1504 Oxford Lane, Waverly Heights, came before the Commission and reported that it was his understanding that Milport Road in Milwaukie Industrial Park, would soon be improved and suggested that Waverly Drive intersection with River Road be aligned to meet with the intersection of Milport Road at River Road. Mr. MacKenzie pointed out the traffic hazard caused by the way Waverly Drive intersects River Road and the difficulty to turn left into Milport Road as a result of this intersection. It was moved by Burdick and seconded by Shrock that the Planning Commission have a traffic survey made at these intersections as a basis for what should be done about this intersection. Before the motion was put to vote Commissioner Bernard moved that the motion be amended to include that the cost of straightening and improving Waverly Drive to intersect River Road at Milport Road be investigated and estimated. The amending motion was seconded by Commissioner Nickles. Upon being put to a vote the motion and amendment were both carried.

It was moved by Nickles and seconded by Burdick that the matter of the Davis Kindergarten be taken up from the table and acted upon. Motion carried and so ordered.

There was considerable discussion on the matter of the kindergarten. The petitions were reviewed. It was moved by Baer and seconded by Sheldahl that the Commission recommend to the Council that a revokable permit to operate a kindergarten at 11895 Thorn Street, from 9:00 o'clock A.M. to 11:30 o'clock A.M., for one year, be granted Mr. and Mrs. Darrell Davis. A called vote showed the following result. Ayes: Commissioners Baer, Sheldahl and Bernard. Nays: Commissioners Nickles, Shrock and Burdick. Chairman Stewart then voted Aye. The motion carried and was so ordered.

Commissioner Max Thompson presented a request, on behalf of Allred & Engle, to build two four-plax dwellings on Lots 10 and 11, Block 2, Windemere, which is in the 3-R-2 SPECIAL Zone. It was moved by Sheldahl and seconded by Shrock that the permits be granted. Motion carried and so ordered.

Commissioner Thompson presented, on behalf of "Rocket Ambulance & Towing" a request to operate an ambulance service at 42nd and Harrison Streets. It was moved by Shrock and seconded by Nickles, that on account of the ambulance siren the permit be not recommended. Motion carried and so ordered.

A request for driveways for a "Regal" service station to be placed, by Signal Oil Co, on parts of Lots 5 and 6, Block 29 Milwaukie, was laid on the table. Mr. Baer requested to be excused during any action taken by the Commission. After discussion and review of the plans it was moved by Bernard and seconded by Sheldahl that no permit be granted for more driveway space than is provided by State law or City ordinance. Motion carried and so ordered.

A letter from Clackamas County Planning Commission, in which they requested this Commission for an opinion on a proposed 16 foot wide roadway running 150 feet easterly from Stanley Ave. was read. It was moved by Nickles and seconded by Burdick that the Commission recommend that the County Commission not accept a sub standard roadway. Motion carried and so ordered.

A letter from the Clackamas County Planning Commission in which they informed this Commission that they had accepted a 50' X 30' corner of land which would extend two streets to intersect and thus eliminate two dead end streets, was read. The Commission approved this action and requested that a letter be sent to the Clackamas County Commission to this effect.

On motion duly made and carried the meeting adjourned.

Paul E. Baer
Paul Baer, Secretary

ATTEST:

Eden Martin
CLERK