

CITY OF MILWAUKIE
MINUTES OF PLANNING COMMISSION
REGULAR MEETING

JUNE 9, 1981

MEMBERS PRESENT:

TOM BOND
REBECCA SWEETLAND
PATRICIA JAMTGAARD
BOB GUDGEL

ALSO PRESENT:

TOPAZ FAULKNER, PLANNING DIRECTOR
JON STEIN, ASSOCIATE PLANNER
STEVE HALL, PUBLIC WORKS DIRECTOR
GREG EADES, CITY ATTORNEY

MEMBERS ABSENT:

DON TROTTER
GEORGE CATHEY
JIM LOTZ

Mr. Tom Bond opened the meeting at 7:10 p.m.; he asked for a show of hands of those in the audience who were attending for the issues on the agenda. It was decided by consensus to adjust the agenda to have the Public Hearing for Gillespie-Peterson and then Bauman Construction following. There would be a time limit of one hour placed on each application. Mr. Bond explained the procedure for the Public Hearings.

2.1 GILLESPIE, PETERSON, APPLICANT; MOORE, GILROY, MERRIFIELD, HOWARD, OWNERS
4215 S.E. King Road, Milwaukie, Oregon

Request for Conditional Use approval of a 840 sq.ft. addition to a food brokerage office. Prior to 1978 the office was a residence. On April 25, 1978 the Planning Commission approved a Conditional Use (C-78-4) request to convert the residence to a food brokerage office. The addition has been partially constructed without a building permit; and a stop work order was placed at the site on April 28, 1981. On May 16, 1978 the Design Review Board approved (DR-78-7) the building plans, landscaping and associated parking facilities.

Jon Stein presented the Staff Report. Mr. Bond asked why the 10' strip of land was not dedicated at the time of approval for the original Conditional Use.

Steve Hall said the Public Works Department anticipated widening of 43rd. Avenue in the future to a three-lane road with a left-turn lane from 43rd. Avenue to King Road. It would be to the best interest of the City to complete the dedication at this time.

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SPEAKING: DOUG MERRIFIELD, Applicant, 4215 S.E. King Road, Milwaukie

Mr. Merrifield said that the new addition is hardly visible from the street. The new addition was a necessity because of needed office space and additional storage area. Mr. Merrifield said that dedication of a 10' strip would probably eliminate a row of beautiful trees. These trees are an asset to the property, they form a buffer to the street and make the property somewhat secluded.

Mr. Bond said the City did not have immediate intentions to widen King Road, but wanted to have that portion dedicated now to avoid problems in the future.

Mr. Hall said Federal funds may not be available to widen King Road for about five years.

Mr. Gudgel asked, if the Federal Grant did not cover the expense of widening the road would the City be able to compensate for those funds.

Mr. Hall said the City would not be able to cover the expense of road construction at this time.

SPEAKING: BLAINE MOORE, Applicant, 4215 S.E. King Road, Milwaukie

Mr. Moore asked why the only alternative considered to control traffic congestion was widening of King Road; why hadn't a traffic light been considered.

Mr. Hall said that a traffic light costs about \$80,000 and the complete widening of three lanes would cost about \$10,000.

Mr. Bond said that it must be considered whether or not this construction would happen and if so it would be in the distant future.

SPEAKING: STEVE GILROY, Applicant, 4215 S.E. King Road, Milwaukie

Mr. Gilroy said the employees truly appreciate the row of trees and the well cared for landscape of the property, which creates a pleasant atmosphere.

Mr. Bond asked if there was anyone who wished to speak in favor or in opposition to the application.

Mr. Gudgel asked if the property would be donated at this time or when construction actually commenced.

Mr. Hall said it would be donated now, which is the normal procedure for dedication of property.

THE PUBLIC HEARING CLOSED AT 7:20 p.m.

Mr. Bond asked the Staff if this application were for a residential use would a Public Hearing be necessary.

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Jon Stein said an application of this type for residential use would be reviewed by the Staff only.

Mr. Gudgel made a Motion to approve the application C-81-4 based on the findings and subject to the Conditions stated by Staff. The Motion was Seconded by Ms. Jamtgaard. The Motion Carried UNANIMOUSLY.

FINDINGS:

1. The addition will be similar in appearance to the existing residence.
2. The residential appearance of the structure will be maintained.
3. All applicable standards of the Zoning Ordinance will be complied with.
4. There are no feasible alternatives.

CONDITIONS:

1. Utilities and drainage to be approved by Public Works Department.
2. Submit Developer's Agreement for street improvements of 43rd. Avenue.
3. Dedicate 10' strip of land along west side of 43rd. Avenue for public right-of-way.
4. Solid refuse container to be enclosed and approved by Planning Department.
5. Stripe parking lot to specifications of Public Works Department.

Ms. Sweetland stated that it was necessary for her to leave at 8:00 p.m.

Mr. Bond said that when Ms. Sweetland leaves the panel, Topaz would take her place as an ex-officio member to maintain the quorum. -

- 2.2 LEO BAUMAN, Applicant; T.J.P. Development Co., Property Owner
South of Hwy. 224, North of 39th., East of 38th. Avenue

Request for preliminary concept plan review of proposed 25-unit planned development.

Jon Stein presented the Staff Report, showing locations of the proposed units on a map for the benefit of the audience. He stated the Planning Commission would review the concept plan and make suggestions; the applicant would incorporate the information into a preliminary plan and program to be presented at a later hearing; the Planning Commission's decision would be in the form

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of a consensus for a formal vote to give Staff and Applicant direction as to which way to proceed for a Preliminary Plan and Program of the 25-unit development.

Jon Stein presented slides of the site.

Mr. Bond asked Staff if this application were a subdivision as opposed to a Planned Development how many units would be allowed.

Staff said if this were a subdivision, especially one with detached single-family lot there would be less units allowed.

Mr. Gudgel said he recalled the establishment of a policy for nonproliferation of planned developments along this property.

Staff explained that in the past it was the concern of the Commission not to allow another development such as the Freeman Project in that area.

Mr. Bond asked the Staff to explain the definition of townhouse.

Jon Stein said townhouses are comparable to single-family attached residences sharing common walls.

SPEAKING: LEO BAUMAN, Applicant, 6451 S.E. Fernberg ST., Milwaukie

Mr. Bauman said he intended to create a subdivision that is economically feasible for the property. Future plans include the completion of 38th. Avenue extending to Northridge Drive.

Mr. Bauman intends to construct single-family attached residences on small lots, which at the present time are most saleable on the real estate market.

Mr. Bond asked why some of the roads were public and some private.

Mr. Bauman said the main reason is due to the constraints on the land, and the unusual shape of the land.

Mr. Bond said there is a requirement relating to open space; and asked Mr. Bauman to address this.

SPEAKING: RAY BARTEL, 2515 S.E. Harrison Street, Milwaukie

Mr. Bartel said the elements of this project would be the same as a single-family residence with the exception of the side yard. Privacy separation can be provided with a wall. A gross area of the calculation of the land not including topography in configuration, would be competent with that for single-family lots. A Majority of the lots are comparable to many of the lots in the Grove, which is Zoned R-7 detached housing. His opinion is that this plan is the best one for this type of topography problem. The project could be constructed as condominiums, single-family or as townhouses. If the lot area is added to

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the area of open space with the area that is dedicated as common area the total open space would be approximately 65 - 75%. This figure is based on the equation of total square footage minus square footage of public and private roads and the perimeter area of the foundation of the buildings, with remaining ground used for garages, patios, sidewalk, and open space that is landscaped. The property line dimensions on the south side of this property would create very narrow lots. If the property owner of the property across the way were to dedicate a five foot right-of-way in the future a fifty foot right-of-way could be constructed. The grades shown on the preliminary plat are existing grades, which do not show the proposed finished grades of the streets. There is approximately 200' to construct a 10% grade leading to Lot #19, which will eliminate any excessive slopes. A stair-stepping technique will be used to develop the land.

Ms. Sweetland left the panel at 8:00 p.m.

Topaz asked Mr. Bartel questions on Ms. Sweetland's behalf. The first question was, can the units be built into the hill. Mr. Bartel said that in essence the construction is contouring with the hill. Mr. Bond asked Mr. Bartel if there was a street in town comparable to the 10% grade he had mention. Mr. Bartel said the Clackamas Town Center Parking Lot is constructed on a 5% grade; it would be twice that amount. Most jurisdictions allow a 15% grade. A private drive will be constructed allowing an area for off-street parking and parking spaces in front of the garages; an emergency access lane is included in the width of this private roadway.

The next question Ms. Sweetland had was, would there be alternative provision for solar energy. Mr. Bartel said his designs allowed for proper insulation, wall thickness, and glass exposure.

The next question Ms. Sweetland had was, would there be an open space play area provided for the project. Mr. Bartel said that the open space area would be distributed for each unit, it would be each property owners responsibility to maintain his property.

Another question Ms. Sweetland had was, what type of barriers were there for buffering of Highway 224. Mr. Bartel said the natural trees and shrubbery would be preserved.

Mr. Bond asked the applicant if he was requesting a density bonus or zone change.

Mr. Bartel said no, more density on the property could not be accomplished without stacking units. Mr. Bond asked what the height of the units would be. Mr. Bartel explained that some of the units would have bedrooms above the living space and would look similar to a day-light basement home.

Mr. Gudgel mentioned that he would like to see a common area on the preliminary plat. He asked if there had been any inquiries regarding development from the neighbors who adjoin the property.

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Mr. Bauman said he had been speaking to some of the neighbors and learned of some construction now in process.

Mr. Gudgel suggested that the three lots adjoining this property could be included in this project rather than allowing each flag-lot to be developed individually. Mr. Bartell said the applicant would respond to this question in the future.

Mr. Bond said that he was not satisfied regarding the inadequate parking.

SPEAKING: JON LANG, 11964 S.E. 37th, Avenue, Milwaukie

Mr. Lang said that he lives next to this property. Mr. Lang's main concern was the height of the units, if they were too tall they would block his view.

Mr. Bauman said Mr. Ray Bartell would be completing the design work of these homes. The basic concept would be to have an appearance of only one residence but in truth there would be two units.

Mr. Gudgel said he agreed with the concepts that had been presented.

Mr. Bond said he was concerned about the overcrowding in this project.

Mr. Bond said it would be the applicant's decision whether or not he wished to come back and present a preliminary plan and preliminary program.

THERE WAS A TEN MINUTE RECESS AT 8:30 p.m.

Mr. Bond explained that the City Attorney, Greg Eades had informed the Commission that there were not enough members present to provide a quorum and would not be able to take action on any other items on the agenda.

Staff explained that notices that had been mailed concerning the Waverly application were in addition to a public notices that had been printed in the local newspaper.

Mr. Bond said the public hearings for the Planned Development for Waverly Land of Oregon LTD., PD-81-2; the Variance Request for William Knowles VR-81-11 and Minor Land Partition, M-81-4 would be postponed until the Planning commission Meeting on June 23, 1981

THE MEETING ADJOURNED AT 8:50p.m.

AGENDA
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1.0 CALL TO ORDER

2.0 PUBLIC HEARINGS

- 2.1 PD-81-1 BAUMAN CONSTRUCTION
Preliminary Concept Plan for a proposed 25-unit
Planned Development Located South of Hwy. 224,
North of 39th, East of 38th. Avenue.
- 2.2 PD-81-2 WAVERLY LAND OF OREGON LTD.
Proposed 17-unit, single lot Planned Development located
on the site of the vacant Subdivision on McBrod.
- 2.3 C-81-6 GILLESPIE, PETERSON
Request for an addition to a food brokerage office
located at 4215 S.E. King Road.

3.0 PUBLIC COMMENT

4.0 CONSIDERATION

- 4.1 VR-81-11 WILLIAM KNOWLES
M-81-4

Request to Minor Land Partition parcel into three lots
(including two flag-lots) more than two lots in depth
from a public street (Section 7.04.5 Subdivision Ordinance).

5.0 CONSENT AGENDA

5.1 CITY COUNCIL MINUTES

5.2 PLANNING COMMISSION MINUTES FOR APRIL 28, 1981 AND MAY 12, 1981

6.0 OLD BUSINESS

7.0 OTHER BUSINESS