

City of Milwaukie  
PLANNING COMMISSION REGULAR MEETING  
October 28, 1975

The regular meeting of the Milwaukie Planning Commission was held on the 28th day of October, 1975, in the Council Chambers. The meeting was called to order by Jerry Mesander, President, at 7:00 p.m.

Members present: Jerry Mesander Mark Landis  
Louis Casale (entered 8:10 p.m.) Bob Marquette  
Dennis Davis Jon Nickel  
Bob Kennedy

Also present: Cy Nims, Planning Director Bill Hupp, Mayor (part)  
Tim Holder, Assistant Planner Merv Englund, City Council (part)  
Myer Avedovech, City Attorney Michelle Eaton, Secretary

The pledge of allegiance was recited by those present.

IT WAS MOVED by Kennedy, seconded by Marquette, to approve the minutes of the September 23 regular meeting and October 14 special meeting as published. MOTION CARRIED unanimously (Casale not present), and so ordered.

#### CONSIDERATION

a) Planning Commission Resolution PC-1-75 adopting criteria and guidelines for site design review was discussed. IT WAS MOVED by Kennedy, seconded by Marquette, to adopt Resolution PC-1-75 (A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILWAUKIE, OREGON, ADOPTING CRITERIA AND GUIDELINES FOR SITE DESIGN REVIEW). MOTION CARRIED unanimously (Casale not present), and so ordered.

#### SUBDIVISION FINAL PLAT APPROVAL AND RELATED ITEM

S-75-7 Anna Addition. Carl W. Benson, applicant. Request for 11 lots in R-7, Single Family Residential, zone on east side of Beckman Road approximately 25 feet south of Park Street (Tax Lots 5001, 5100 and 5200, T1S, R2E, Section 31AC)

VR-75-9 Carl W. Benson, applicant. Request for variance from minimum width requirement of 60 feet in R-7, Single Family Residential, zone for one lot of a proposed 11 lot subdivision having 56.22 feet of width for Lot 6, Anna Addition, on east side of Beckman Road approximately 25 feet south of Park Street (part of Tax Lot 5001, T1S, R2E, Section 31AC)

Staff reports were distributed to Planning Commission and applicant prior to the meeting, and since no other person was present regarding this issue, report was not given orally at meeting. Carl Benson was present to answer questions of the Commission regarding the final plat and variance. IT WAS MOVED by Landis, seconded by Kennedy, to accept S-75-7 final plat and related VR-75-9 with the option that the owner may choose to equalize the areas of Lots 6 through 10. MOTION CARRIED unanimously (Casale not present), and so ordered.

#### CORRESPONDENCE AND OTHER BUSINESS

a) Memorandum dated October 28, 1975, from staff regarding areas of conflict between the Zone map and the Comprehensive Plan map was discussed. Copies

of letter sent to property owners in areas of potential conflict and map showing Comprehensive Plan designation and Zoning designation of areas of potential conflict were also distributed. It was the CONSENSUS to adopt the staff recommendation as follows: 1) Advise the Council that the moratorium not be continued; 2) Advise the Council that the areas of conflict be resolved through the Plan revision process over the next one to two years; 3) Advise the Council that if a development is proposed in an area of conflict before the Plan is revised that the conflict be resolved individually when it arises.

- b) Memorandum dated October 28, 1975, from staff regarding interpretation of restrictions on two dwellings on one lot was discussed. Staff has been approached by a property owner who wishes to construct a new dwelling on the same lot as his existing dwelling, tearing down the existing dwelling upon completion of the new house. The property owner has stated he will file a letter with the City guaranteeing removal of the existing house upon completion of the new house. Strict interpretation of the Zoning Ordinance would require the property owner to file a minor land partition and conform to setback requirements in the zone. It was the CONSENSUS that no minor land partition would be required, and that the existing dwelling must be removed within 60 days after occupancy of the new house.
- c) Discussion on hearing date for the Bike/Foot Way Plan was scheduled but no action was taken.
- d) Discussion on reserve strips in subdivisions was scheduled but no action was taken.
- e) A document entitled "Comprehensive Plan: Description: Published October 1975 by the Oregon Land Conservation and Development Commission As A Guide To Assist Local Agencies in Meeting State Goals and Guidelines" was distributed for information. No action was taken.

(Meeting recessed at 7:45 p.m. and reconvened at 8:00 p.m. with all present but Casale.)

#### PUBLIC HEARINGS AND RELATED ITEM

- C-75-10 William A. Becht, applicant. Request to remodel existing building for use as a church in R-7, Single Family Residential, zone on the north side of S. E. Roswell Street between S. E. 40th and 41st Avenues (Tax Lot 9500, T1S, R1E, Section 25AA)
- VR-75-8 William A. Becht, applicant. Request for variance from requirements that parking shall not be located in a required front or street side yard, parking spaces along outer boundaries of a lot shall be set back a minimum of 4½ feet from the property line, and public and semi-public uses must have one loading space, in R-7, Single Family Residential, zone on the north side of S. E. Roswell Street between S. E. 40th and 41st Avenues (Tax Lot 9500, T1S, R1E, Section 25AA)

Public hearing opened at 8:00 p.m., with notices mailed as required. It was the CONSENSUS of the Planning Commission to hear the conditional use request and variance request separately. Staff report, recommending approval with condition on the conditional use request, was given by Tim Holder.

Correspondence in opposition: Mildred L. Zimmerman, 3944 Roswell

Hilda C. Merk, 8825 - 41st  
Douglas Leech, 8929 - 42nd  
Francis P. and Vivian L. Healy, 8831 S.E. 40th  
E. A. Thomas, 8792 S.E. 42nd

Speaking in favor: Bill Becht, applicant

(Lou Casale entered meeting - 8:10 p.m.)

Speaking in opposition: Pat Healy, 8831 S.E. 40th (Submitted letter from himself and spouse and one from Leech)  
Cary Gifford, 8700 - 40th  
Ken Roberts, 8930 - 41st  
Nancy Shepard, 8805 - 40th  
Gary Griffin, 3943 Roswell  
Byron Fry, 8725 - 41st (Submitted letter from Thomas)  
Jay Minor, 3943 Roswell  
Edwin Giese, 8824 - 40th  
John Cunningham, 8711 - 41st  
Margaret Heyden, 4026 Roswell

Questions raised: John Cunningham, 8711 - 41st  
Nancy Shepard, 8805 - 40th  
Margaret Evans, 4026 Roswell  
Gary Griffin, 3943 Roswell

Rebuttal for the applicant was given by Bill Becht. Hearing was declared closed at 8:43 p.m. IT WAS MOVED by Nickel, seconded by Marquette, that C-75-10 be denied due to community concern, traffic problems and parking problems. MOTION CARRIED with Landis voting against and Casale abstaining, and so ordered. Since the conditional use was denied, related variance was not considered.

(Meeting recessed at 8:55 p.m. and reconvened at 9:00 p.m. with all present.)

C-75-11 John W. Cunningham and Associates, applicant. Terminal Ice and Cold Storage, property owner. Request to use existing office wing as a professional office for consulting civil engineers in M-L, Limited Manufacturing, zone at 9401 S. E. McLoughlin (part of Tax Lot 100, T1S, R1E, Section 26AD)

Public hearing opened at 9:00 p.m., with notices mailed as required. Mr. Kennedy asked to be excused from consideration of this issue as he represents applicant. Staff report was distributed to Planning Commission, applicant and property owner prior to the meeting, and since no other person was present regarding this issue, report was not given orally at meeting.

Speaking in favor: Robert Kennedy, representing applicant

No person appeared to speak in opposition and no questions were raised. Copy of the lease agreement providing adequate off-street parking spaces was submitted. Hearing was declared closed at 9:02 p.m. IT WAS MOVED by Davis, seconded by Marquette, based on the staff findings and staff report that C-75-11 be approved. MOTION CARRIED unanimously, with Kennedy abstaining, and so ordered.

C-75-12 Milwaukie Historical Society, applicant. City of Milwaukie, property owner. Request to construct carport to shelter historic street car and erect lamp post for museum in R-5, Single Family Residential, zone at 3737 S. E. Adams Street (Tax Lot 2600, T1S, R1E, Section 36AD)

Public hearing opened at 9:03 p.m., with notices mailed as required. Staff report was distributed to Planning Commission and applicant prior to the meeting, and since no other person was present regarding this issue, report was not given orally at meeting.

Speaking in favor: Chris McDonald, representing applicant

No person appeared to speak in opposition and no questions were raised. Hearing was declared closed at 9:05 p.m. IT WAS MOVED by Kennedy, seconded by Casale, to approve C-75-12 on the condition that proper insurance arrangements are made to relieve the City of any liability and that when the re-alignment construction is completed and permanent parking is delineated that the east property line be buffered from adjacent single family dwellings by vegetative screening. MOTION CARRIED unanimously, and so ordered.

C-75-13 Ray Rathbone, applicant. William N. and Jane B. Smith and Orvilla Smith, property owners. Request for commercial recreation (pool tables, flipper type games, foos ball, etc.) in conjunction with restaurant in C-C, Central Commercial, zone at 1928 S. E. Scott Street (Tax Lot 400, T1S, R1E, Section 35AA)

Public hearing opened at 9:07 p.m., with notices mailed as required. Staff report was distributed to Planning Commission, applicant and property owner prior to the meeting, and since no other person was present regarding this issue, report was not given orally at meeting.

Speaking in favor: Ray Rathbone, applicant

No person appeared to speak in opposition and no questions were raised. Hearing was declared closed at 9:12 p.m. IT WAS MOVED by Casale, seconded by Davis, to approve C-75-13 with the following conditions: 1) That there be adult supervision at all times; 2) That there be no loitering outside the premises; 3) That this use be reviewed in six months for continuation with consideration given to parking and impact on surrounding businesses. Staff will contact surrounding businesses regarding the effect of this operation and report to the Planning Commission. At that time, a determination would be made by the Planning Commission whether this permit should be revoked or continued. MOTION CARRIED unanimously, and so ordered.

#### SITE DESIGN REVIEWS AND RELATED ITEM

DR-75-1 Randall Construction Co., applicant. Request for review of apartment plans in C-L, Limited Commercial, zone on the northwest corner of S. E. Railroad Avenue and S. E. Linwood Avenue

Memorandum dated October 28 from Planning Director, memorandum dated October 16 from Director of Public Works, memorandum dated October 10 from Fire Marshal and document from Daniel Burroughs, landscape architect, were distributed. Molton

Andrus, architect, and Daniel Burroughs, landscape architect, were present. Ron Naff, representing Randall Construction Co., was present. IT WAS MOVED by Nickel, seconded by Landis, to adopt the following conditions for site design review of DR-75-1: 1) Cross slopes of parking areas should not exceed 8%; 2) Prepare and submit at least 2 site cross sections which show original and finished grade, building floor levels, retaining walls, etc.; 3) Show building elevations and finished grades on elevation drawings in project plans; 4) Resolve conflict between mechanical plan and drainage plan, on direction of drainage flow on parking area; 5) Show small children's play area within larger open space area with no fencing requirement; 6) Show project will be one phase; 7) On grading plan indicate that paths will follow terrain and not just meander randomly; 8) Indicate that paths will be concrete; 9) Suggestion: Use Hahns ivy rather than English ivy for ground cover; 10) Continue path to north boundary of property. Light path adequately; 11) Show outdoor lighting on plans. Provide lighting for paths, parking areas, exterior stair wells and landings, and in covered parking spaces; 12) Should have off-sets in building faces. In the future should have consistent plans regarding building elevations, plans and perspective drawings, but not necessary for further Planning Commission review; 13) Interrupt long parking areas with additional planting/tree areas in place of parking spaces by reducing parking space width to 9 feet under variance procedure and possibly reducing number of parking spaces to the required 210; 14) Provide safe entry to and crossing of parking areas for north-south pedestrian route; 15) No shelters and paved area for busses are required; 16) Provide an additional vehicle access to site from Railroad Avenue at southwest corner of site; 17) Should try to provide off-set entrances from parking areas across from streets as much as possible; 18) Trash containers screened with 5 to 6 foot sight-obscuring fence and arborvitae; and 19) Provide sidewalks along Linwood and Railroad Avenues. MOTION CARRIED unanimously, and so ordered.


DR-75-2 William A. McInnis, Inc., applicant. Request for review of warehouse plans in M-L, Limited Manufacturing, zone on the southeast corner of S. E. River Road and S. E. Milport Drive


Buffer Area Review. William A. McInnis, Inc., applicant. Request for review of M-L, Limited Manufacturing, property facing R-10, Single Family Residential, property on the southeast corner of S. E. River Road and S. E. Milport Drive

Robert Schroeder, Mackenzie Engineering, displayed proposed plans and gave information regarding the use of the proposed warehouse. IT WAS MOVED by Nickel, seconded by Kennedy, to approve the site as presented with the following conditions: 1) Left turn only onto River Road; 2) Two way traffic on Milport for the smaller trucks; 3) Buffer area is approved as indicated on plans. MOTION CARRIED unanimously, and so ordered.

Meeting adjourned at 11:20 p.m.

ATTEST:

  
Michelle Eaton, Secretary

  
Jerry Mesander, President