

PLANNING COMMISSION MINUTES

REGULAR MEETING

JUNE 128, 1983

MEMBERS PRESENT

JOHN LITTLEHALES
GEORGE CATHEY
BETTY ROHOLT
AL LAINE
REBECCA SWEETLAND
JOHN FOSTER

EXCUSED ABSENCE:

BOB BROWN

STAFF PRESENT

JERRY THELANDER, PLANNER

EXCUSED ABSENCES:

TOPAZ FAULKNER, PLNG. DIR.
CAROL LEE, SECRETARY

Mr. Cathey opened the meeting at 6:30 p.m.

3.1 CONTINUATION OF
DIERINGER'S PROPERTIES, INC., Applicant and Property Owners
M-83-5 Minor Land Partition
VR-83-14 Variance Request
LOCATION: 4403 SE Lewellyn
PROPOSAL: Request Minor Land Partition to divide a lot into
3 parcels. Variances for lot depth and lot size are required.
Jerry presented a brief review of the application.

APPLICANT'S RESPONSE:

SPEAKING: Bob Derringer, introducing representative.

SPEAKING: Don Hanna, 6432 SE Foster, Portland, Ore

Mr. Hanna presented the revised proposal indicating changes in lot size and percentages of variance, as well as building design. The new proposal allows addition of two townhouse units connected to the existing dwelling by a 15' x 20' carport and another carport on the west end of the new dwelling units.

Mr. Cathey asked the applicant if a garage had been considered in the revised plans.

Mr. Hanna explained that if a garage were constructed two windows would be covered which would not comply with fire code safety requirements.

SPEAKING: W.C. Tony, 5205 SE Appenine Way, Milwaukie

Mr. Tony spoke in favor of the request.

APPLICANT'S FINAL REMARKS:

SPEAKING: Bob Derringer

Mr. Derringer added that the proposed dwellings would have a positive affective to the appearance of the neighborhood.

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There was discussion among the Commission regarding construction of a garage instead of carport and the position of the existing windows on the west side of the home.

Jerry explained that fire safety standards require that an existing structure meet fire code if the value is at least 50% of the existing structure.

Mr. Hanna mentioned that the entire structure will be repainted and shutters added in order to combine the design and be aesthetically pleasing.

Mr. Cathey read the Commission's interpretation of single-family attached housing and expressed his concerns regarding the concept of carport vs garage.

Mr. Hanna said there would be considerably more expense for garage construction.

There was further discussion among the Commissioners regarding roof line, compatibility, revised lot sizes, and percentages of variances required.

Mr. Laine made a Motion to approve M-83-5 and VR-83-14, with the additional Finding #8: No adverse testimony was received, and Condition #1: Utilities, drainage, curbing, sidewalk, driveway improvements, by the City, be approved by the Public Works, Building, and Fire Department Staffs. Mr. Foster Seconded the Motion. Mr. Littlehales made a Motion to add Condition #2: Trees along the current property line between the proposed and existing lots are to be replaced with compatible species, and approved by the Planning Director.

Mr. Cathey made a Motion to amend the Main Motion, adding Finding #7: Consideration was given to the May 10, 1983 Planning Commission interpretation for single-family attached dwelling, in regards to size, scale and bulk, and the Commission found to consider otherwise. The Motion was Seconded and carried 6-0. The Main Motion to approve M-83-5 and VR-83-14, with revised Findings and Conditions, the Motion Carried 4-2, Mr. Foster and Mr. Littlehales opposing.

FINDINGS: M-83-5; VR-83-14

1. The proposal is compatible with the following sections of the Comprehensive Plan:

Residential Land Use and Housing:
OBJECTIVE 2, Policy 4.a, Page 28.
OBJECTIVE 3, Policy 5, Page 30.
OBJECTIVE 5, Policy 1, Page 32.

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FINDINGS: M-83-5; VR-83-14 Continued

2. The proposal does not include provision for compatible architecture through use of identical siding material.
3. Applicant has stated his intention to match the new and existing dwelling's through roof material, paint color and shutters.
4. The proposal calls for connecting the new and existing dwellings with a 15' x 20' carport, with a pitched roof.
5. The City Zoning Ordinance defines single-family attached dwelling as " . . . sharing common structural walls."
6. The Planning Commission has interpreted single-family attached dwellings that combine existing and new structures as requiring the following conditions:
 - a. Architecture to be compatible with the existing dwelling.
 - b. No "Breezeway" or carport should be built between the townhouse units and existing dwelling.
7. Consideration was given to the May 10, 1983 Planning Commission interpretation for single-family attached dwelling. In regards to size, scale, and bulk, and the Commission found to consider otherwise.
8. No adverse testimony was given at the public hearing.

CONDITIONS: M-38-5; VR-83-14

1. Utilities, drainage, curbing, sidewalk, driveway improvements, fire protection standards, and other requirements that are required by the City, be approved by the Public Works, Building, and Fire Department Staffs.
2. Trees along the current property line between the proposed and existing lots are to be replaced with compatible species, and approved by the Planning Director.

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3.2 EAGLE VALLEY DEVELOPMENT, Applicant
VR-83-16 Variance Request
LOCATION: 5123 Appenine Way, Milwaukie
PROPOSAL: Request Minor Land Partition to divide a lot
into 3 parcels. Variances for lot depth and lot size are
required.

Jerry presented the Staff Report.

APPLICANT'S RESPONSE:

SPEAKING: Rick Nedelisky, Applicant, 1585 SE. 114th St. Suite C.

Mr. Nedelisky said the owners of the property have
chosen the building plan and the only alternative available would
be a variance.

SPEAKING: Greg Demateo, 12002 SE Vivaldi Circle, Milwaukie

Mr. Demateo testified in favor of the request.

SPEAKING: Wilbur Tony, 5205 Appenine Way

Mr. Tony asked questions regarding the right-of-way and required
setbacks. Mr. Cathey explained the setbacks in relationship to
the driveway and parking area.

Ms. Sweetland made a Motion to approve VR-83-16 with an additional
Finding #4: No adverse testimony was given. Mr. Littlehales Seconded
the Motion, it carried unanimously.

FINDINGS: VR-83-16

1. The lot configuration is pie-shaped, resulting in limitations to shape and placement of buildings on it.
2. The site will conform to all other standards of the Zoning Ordinances.
3. The proposal complies with the following Sections of the Comprehensive Plan:

RESIDENTIAL LAND USE AND HOUSING ELEMENT

OBJECTIVE #4 - Neighborhood Conservation, Policy 5, Page 31.
OBJECTIVE #5 - Housing Choice, Policy 1, Page 32.

NEIGHBORHOOD ELEMENT

OBJECTIVE #1 - Single family Character, Page 59.

4. No adverse testimony was given.

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CONDITIONS: VR-83-16

1. Utilities, drainage, curbing, sidewalk, driveway improvements, and procedures for fire protection to be approved by Public Works and Fire Departments.
2. Submit landscape plan, to be approved by Planning Department.

3.3 DELAP/OSTROM, Applicants and Property Owners
M-83-6 Minor Land Partition
VR-83-15 Variance Request
LOCATION 3828 SE Olsen St., Milwaukie
PORPOSAL: Request Minor Land Partition to divide a lot into 2 parcels. Variances for lot size are required.

Jerry presented the Staff Report.

APPLICANT'S RESPONSE:

SPEAKING: Riley DeLap, P.O. Box 441, Hubbard, Ore 97032

Mr. DeLap said the main reason for application to partition the property is to bring it into conformance with the six adjoining lots. The property is unique because it has access from both Olsen and Hazel Avenue. Mr. DeLap mentioned that several of the neighboring property owners are in favor of the proposal, however they were not able to attend the meeting.

Mr. Cathey suggested that the amount of variance for Lot #1, could be reduced by changing the lot configuration. The lot line could be changed to allow Lot #1 an additional 500 sq.ft., total lot size would be 5,000 sq.ft.

There was considerable discussion among the Commissioners regarding alternatives and consistency of lot size to contiguous lots.

Mr. Foster made a Motion to approve M-83-6 and VR-83-15, with alternative lot size change for Lot #1: 83.5' x 60'. Additional Finding #7: No adverse testimony received at the public hearing. Motion was corrected to state: Lot #1 - Lot Size: No less than 5,000 sq.ft. Mr. Laine seconded the Motion.

Mr. DeLap stated he was in agreement with the lot size change for Lot #1.

Mr. Foster withdrew the Main Motion, Mr. Laine concurred.

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M-83-6 AND VR-83-15E Continued

Mr. Foster made a Motion to approve M-83-6 and VR-83-15 with Findings as listed in Staff Report, with additional Finding #6: Lot #1 lot size to be changed to allow more lot area and reduce the variance. Finding #7: No adverse testimony at public hearing. Condition #1: Lot #1, to be based on 5,000 sq.ft., 30'

SPEAKING: Don Trotter

Mr. Trotter reminded the Commission that the Findings must support the Motion. If the Commission votes to approve the proposal then the proposed findings should be reconsidered and rewritten to support the Commission's decision.

Ms. Sweetland made a Motion to amend the Proposed Findings: Finding #1 to be stated as in the Staff Report, Finding #2: This is a unique and special situation. Finding #3: Lot #2 will comply to all the Zoning Standards.. Finding #4: There was no adverse testimony at the public hearing. (Findings #2, 3, 5, & 6 to be deleted!) Mr. Littlehales Seconded the Motion, for amendment. it carried unanimously. The Main Motion Carried Unanimously.

FINDINGS: M-83-6 and VR-83-15

1. The proposal complies with the following elements of the Comprehensive Plan:
OBJECTIVE #3 - Residential Land Use: Design, Policy 6, Page 30.
OBJECTIVE #4 - Neighborhood Conservation, Policy 5, Page 31.
OBJECTIVE #5 - Housing Choice, Policy #1, Page 32.
2. This is a unique and special situation which merits consideration beyond the normal standards that a parcel Zoned R-7 Residential is required to comply to. The proposal is compatible to the surrounding land use.
3. Lot #2 will comply to all the zoning standards except lot size and front yard setback (for the storage shed).
4. There was no adverse testimony at the public hearing.

CONDITION:

1. Extend Lot #1 so it is not less than 5,000 sq.ft. (83.33' x 60')

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6.1 PLANNING COMMISSION MINUTES:

May 10, 1983 - Approved

May 24, 1983 - Approved

June 14, 1983 - Correction:

Mr. Foster, correction on Page 8 - additional Finding #3,
to read: Existing building not to be classified as a
stable for horses.

Approved as corrected.

7.1 CONTINUED DISCUSSION OF DENSITY BONUSES.

Jerry presented the Commission with certain criteria for limiting
density bonuses; which is based on the revised Draft Zoning Ordinance.

Mr. Trotter cautioned the Commission of the necessity to establish
policy that is compatible with the current Zoning Ordinance.

After considerable discussion the Commission decided by consensus
to adopt the first page of Memorandum, Density Bonus Criteria -
Dated, June 28, 1983. The Commission requested Staff to further
review criteria for Exceptional Design, to be presented at the
next meeting.

Meeting adjourned at 10:10 p.m.



Carol Lee, Secretary

George Cathey, Chairman

AGENDA

PLANNING COMMISSION MEETING

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Council Chambers, 10722 S.E. Main, Milwaukie

- 1.0 CALL TO ORDER AT 6 : 30 P.M.
- 2.0 PROCEDURAL QUESTIONS
- 3.0 PUBLIC HEARINGS:
 - 3.1 Continuation of DIERINGER'S PROPERTIES, INC., Applicant and Property Owner
M-83-5 Minor Land Partition
VR-83-14 Variance Request
LOCATION: 4403 S.E. Liewellyn, Milwaukie
PROPOSAL: Request Minor Land Partition to divide a lot into 3 parcels. Variances for lot depth and lot size are required.
 - 3.2 EAGLE VALLEY DEVELOPMENT, applicant
VR-83-16 Variance Request
LOCATION: 5123 Appenine Way, Milwaukie
PROPOSAL: Request a 5' front yard variance, allowing a 15' front yard setback rather than the 20' requirement.
 - 3.3 DELAP/OSTROM, applicants and property owners
M-83-6 Minor Land Partition
VR-83-15 Variance Request
LOCATION: 3828 S.E. Olsen St., Milwaukie
PROPOSAL: Request Minor Land Partition to divide a lot into 2 parcels. Variances for lot size are required.
- 4.0 PUBLIC COMMENT:
- 5.0 CONSIDERATION:
- 6.0 CONSENT AGENDA:
 - 6.1 PLANNING COMMISSION MINUTES: May 10, 1983; May 24, 1983; June 14, 1983
- 7.0 OLD BUSINESS:
 - 7.1 CONTINUED DISCUSSION REGARDING DENSITY BONUSES
- 8.0 OTHER BUSINESS: