

PLANNING COMMISSION MEETING .

July 19, 1966

The regular meeting of the Milwaukie Planning Commission was held on the 19th day of July, 1966, in the City Council Chambers.

The meeting was called to order at 8:00 p. m. , by Vice-President Jerry Miller, in the absence of the President, with the following members present:

Richmond Eddy	Robert Kennedy
Mervin Englund	Jerry Miller
Allan Jones	

absent:

Paul Baer	Dave Strauss
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also present:

Wayne Daigle, City Engr.	Barbara Watson, Sec'y
Max Thompson, Asst. Mgr.	

It was moved by Englund, seconded by ^{JONES} Kennedy, that the minutes of the June 21, 1966, meeting be approved as mailed. Motion carried and so ordered.

APPLICATIONS FOR ZONE CHANGE

Application #66-9, Applicant - James Hansen, corner 41st and Johnson Creek Blvd. , from 3-R-1 to 3-R-2 Special, proposed use - duplex.

It was moved by Englund, seconded by Jones, that no hearing be set for the requested zone change. Motion carried and so ordered.

Application #66-10, Applicant - Kronberg Brothers, corner Monroe and Penzance Sts. , from 3-R-2 Special to Commercial, proposed use - small retail shops.

Letter from the State Highway Dept. was read advising that the State concurs with the zone change proposed on the state owned property East of the expressway right-of-way.

It was moved by Englund, seconded by Kennedy, that a public hearing be held on August 4, 1966, publication dates to be July 27 and August 3, properties within a 200' radius to be notified. Motion carried and so ordered.

Application #66-11, Applicant - B. Hart Realty, between 35th & 37th on Sellwood Ave. , from 3-R-1 to 3-R-2 Special, proposed use - duplex.

It was moved by Kennedy, seconded by Eddy, that a public hearing be set for August 4, 1966, publication dates July 27 and August 3, properties within 200' radius to be notified. Motion carried and so ordered.

REQUEST FOR SIGN CONSTRUCTION

Mr. Richard Nase addressed the Commission and requested permission for the erection of a sign in the area of 41st and King Road, announcing a new development North of King Road.

It was moved by Jones, seconded by Eddy, that a 1 year revokable sign permit be granted to Cinderella Homes, said sign not to exceed 32 sq. feet in size; the applicant to obtain written approval of the owner of the property that is located directly behind where the sign will be erected. Motion carried and so ordered.

REQUEST FOR BARBER SHOP ON HARRISON STREET

Mr. Nase requested permission from the Planning Commission to allow leasing one office of the Cinderella Home's building at 3900 Harrison, for a barber shop. This is in a 3-R-2 Special Zone. He advised that Cinderella Homes owns the property directly behind where the office building is located and this will be used for parking area, giving approximately 25 parking places.

It was moved by Jones, seconded by Englund, that as a request has been made for a barber shop at 3900 Harrison Street, in a 3-R-2 Special Zone, the Planning Commission solicit the advise of the City Attorney to determine whether this type of business complies with this zone and to what extent the Planning Commission can exercise control over sign displays, and concur that the Planning Commission has the right to exercise control over signs. Motion carried and so ordered.

APPROVAL OF BUILDING PLANS

Mr. Henry Engle submitted building plans, showing the proposed upstairs addition to the home at 2805 Washington Street.

It was moved by Jones, seconded by Eddy, that the plans be approved as submitted and signed by the Vice-President. Motion carried and so ordered.

REVIEW OF RESOLUTION 1-1961

Resolution 1-1961 was read concerning the use of the residence of Ernest and Jewell Aebi as a restaurant, listing the restrictions placed upon the owners by the Planning Commission as to hours, signs and use of alcoholic beverages.

It was brought to the attention of the Planning Commission that Mrs. Aebi is in violation of this Resolution as no request has been made as to the changing of hours and the erection of a new sign.

It was moved by Jones, seconded by Kennedy, that the following communication be directed to Mrs. Aebi:

It has been called to the attention of the Planning Commission that you are operating in violation of the hours stated in Resolution 1-1961.

We, therefore, request that if you wish to continue with these hours, that proper application be made to this commission within 10 days.

Copy of letter and Resolution to go to the City Attorney requesting the extent of authority the Planning Commission has in enforcing the Resolution. Motion carried and so ordered.

PC meeting

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NOTICE OF HEARINGS - Clackamas County Planning Commission

PZC-16-66, East side of Pheasant Court, approximately 500' North of Lake Rd., applicant - Wm. Hart, from R-10 single family residential to MR-1 Multi-family residential.

The Commission directed the Secretary to direct a letter to Clackamas Planning Commission advising that this property lies within the path of the expressway.

PCU-38-66 - No action taken.

PCU-39-66 - No action taken.

APPROVAL OF PLOT PLAN

Mr. Martineau laid before the Commission a plot plan on the property subject to be changed by the Council from 3-R-1 to 3-R-2 SPECIAL. (Application #66-8)

It was moved by Jones, seconded by Eddy, that the plot plan submitted by Mr. Martineau be accepted with a variance granted on the building set back of 30' from the front property line and that the Planning Commission accept 3 parking spaces for vehicles to park facing in an easterly direction parallel to the street and that a driveway area be provided perpendicular to Llewelyn Street providing maneuverability area to allow the cars to drive forward onto the street. Also a sight obscuring fence be erected along the easterly property line to comply with City Ordinance, and that the grading be in accordance with City Engineer's requirement and that sidewalks concur. Motion carried and so ordered.

CORRESPONDENCE

A letter from Mr. Charles D. Natalie was read requesting consideration for a zone change on Lots 19 and 20, Rockwood Acres, from 3-R-1 to multi-family.

It was suggested that an area plan be drawn up by the Engineer's office and submitted for review by the Planning Commission, and that the applicant be informed that this property is outside of the area shown in the preliminary land use map for high density use.

ORAL COMMUNICATION

Mr. C. R. Thompson approached the Commission on a zone change from 3-R-1 to multi-family on the South side of Jackson Street between 37th and 40th. This was discussed briefly with no action taken.

Mr. Inman, 11919 Kimbrough Road, requested permission to build on his lots located at the North end of Kimbrough Road, which is a 20' roadway only. He was advised that the minimum street right-of-way was 50'. An attempt to set a meeting with the property owners in this area for the purpose of discussing the best plan for utilizing this particular area will be made by the City Engineer.

A request was made to build multi-family units on Lava Drive, North of the Pendleton Woolen Mills. The Commission advised that this would not be possible as the property, owned by Mrs. Lavagetta, does not front on a public street.

Mr. Westley, 4606 Adams Street, came before the Commission and requested that the surrounding property owners be notified before a variance is granted for the moving of a home at the end of 29th street, north of Harrison. He was advised that if there needed to be much of a variance granted, it is likely that the surrounding property owners would be notified.

MEETING ON HOSPITAL BUILDING PLANS

City Engineer advised the Commission that a meeting would be held on July 26 to go over the plans of the proposed hospital to be constructed on Stanley and Railroad.

OFF STREET PARKING DISCUSSION

This item of business was moved to the meeting of August 16.

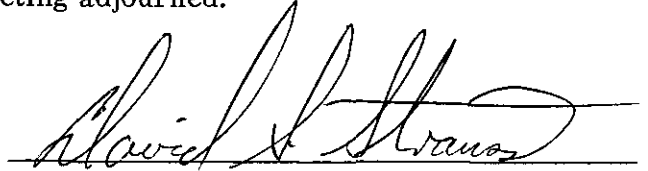
REVIEW OF ROCKET AMBULANCE PERMIT

It was brought to the attention of the Planning Commission, that on February 15, 1966, the Planning Commission notified Mr. A. A. Robbins, Rocket Ambulance Service, that they would recommend a 1 year revokable permit be granted by the Council, for use of the home at 3316 Llewelyn Street as a dispatching point upon written approval of over 50% of the homes facing Llewelyn Street from 32nd to 34th.

No written approval has been submitted by Mr. Robbins, and they are still operating from this location.

It was moved by Eddy, seconded by Kennedy, that a letter be sent to Mr. Robbins, informing him that he would have 10 days to comply with the Planning Commission's previous request.

Upon motion duly made and seconded, the meeting adjourned.


Dave Strauss, President

ATTEST:


Barbara Watson, Secretary

August 1, 1966

Mr. Dave Strauss, President
Planning Commission

In answer to the request made for legal opinion of questions arising during the Planning Commission meeting July 19, 1966, the following should be a guide:

The first question concerned a determination as to whether a barber shop installation at 3900 Harrison Street would be compatible with our Zoning Ordinance and whether or not the Planning Commission has control over sign displays. The answer must be framed within the limits of the 3-R-2 Special Zoning Ordinance.

This Ordinance establishes a fifth classification of zoning use under our Ordinance 481, Section 16, Subsection 4. It stems from classification 3-R-2, but is distinct. 3-R-2 has four exceptions and permission for use of the premises as a barber shop would be mandatory, as a barber is a tradesman, not a retailer.

Under 3-R-2 Special the use of the premises on Harrison Street is a discretionary matter vesting in the Planning Commission. The limits of the premises under 3-R-2 Special cannot be capricious or unreasonable, but the Commission may grant or deny the permission requested within that discretion.

The Planning Commission, under 3-R-2 Special, also has discretionary power to regulate the use of exterior signs on the premises in question, subject to the sign code adopted under Ordinance 1052.

The second request arose during the discussion concerning the 3-R-2 Special permission granted to Ernest and Jewell Aebi pertaining to their restaurant operation.

The zoning of the property used by the Aebis was changed to 3-R-2 Special and the Planning Commission properly limited the use of that property by adoption of Planning Commission Resolution 1-1961.

Under the Planning Ordinance 481, the enforcement is delegated to a zoning officer designated by the City Council. My search indicates no such appointment on the part of the Council and the enforcement would then be the responsibility of the City Manager who, under the City Charter, is charged with the enforcement of our ordinances generally. Violation or non-compliance of any provisions of Ordinance 481 and the regulations regularly adopted thereunder are deemed by the terms of the ordinance to be a misdemeanor punishable by a fine in an amount not exceeding \$50.00 or imprisonment for ten days or both.

The request of Mr. Nase and the control over the exterior signs displayed on this property are within the discretionary control of the Planning Commission. The enforcement of the ordinance and the resolutions of the Planning Commission are the responsibility of the City Manager.

Very truly yours,

Robert L. Mills

Robert L. Mills
City Attorney