

CITY OF MILWAUKIE

MINUTES OF PLANNING COMMISSION

REGULAR MEETING

JULY 30, 1981

MEMBERS PRESENT:

DON TROTTER
JIM LOTZ
GEORGE CATHEY
PATRICIA JAMTGAARD
REBECCA SWEETLAND

ALSO PRESENT:

TOPAZ FAULKNER, PLANNING DIRECTOR
JIM STEIN, ASSOCIATE PLANNER
CAROL LEE, SECRETARY
STEVE HALL, PUBLIC WORKS DIRECTOR

ABSENT:

BOB GUDGEL
TCM BOND

Mr. Trotter opened the meeting at 7:00 p.m.; explained the procedure of public hearings.

2.1 M-81-10; VR-81-14 ROBERT PALMER, 11409 S.E. 32nd Avenue, Milwaukie, Oregon
PROPOSAL:

Request to Minor Land Partition a parcel into two lots with the following variances:

Lot #1 - one uncovered off-street parking space rather than the required minimum of two spaces, one of which must be covered.

Lot #2 - area variance of 114 sq.ft. to allow creation of a lot 4,886 sq.ft. in area rather than required minimum of 5,000 sq.ft. a (2.3% departure).

Jon Stein present the Staff Report. A single-family detached dwelling is planned on Lot #2. The existing garage will be removed; driveway will provide space for off-street parking. Lot #2 will have 44' of street frontage. Nineteen feet west of the east property line Lot #2 broadens to 50' in width.

SPEAKING: MARVIN COHEN, 4629 S.E. Rockwood, Milwaukie
Representing: Mel Larson Realty Inc. 10492 S.E. 42nd Milwaukie
and Mr. Robert Palmer, 11409 S.E. 32nd Avenue, Milwaukie

Mr. Cohen said there were a number of alternatives, mentioned by Jon, which he did not agree with, and he strongly suggested that on-street parking of vehicles be considered. He said it would not be feasible to build two single-car garages side by side, however he would agree to one car on the street and one car parked in the driveway at the center property line. The primary reason for the variance request was to facilitate a driveway. Several Commissioners suggested

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alternatives to change the shape of the lot to allow for the off-street parking. Mr. Cohen mentioned there is a concrete retaining wall at the end of an asphalt driveway. This retaining wall encircles the house, and if it were removed, as well as the earth, the lower wall of the basement would be exposed.

Mr. Trotter asked if anyone else wished to testify in favor or opposition; hearing none, Mr. Cohen was asked if he had any further comments.

Mr. Cohen said his plan was closer to guidelines of the Comprehensive Plan than that suggested by Staff. A precedent has already been set granting a variance similar to this request and perhaps this is the best way to develop this parcel of land.

THE PUBLIC HEARING WAS CLOSED AT 7:30 p.m.

Mr. Lotz said the main problem was the lack of on-street parking spaces. It would not be good for the City of Milwaukie to set a trend of allowing only on-street parking. One alternative, is to allow construction of two single-car garages within the side yards of each lot.

Mr. Cathey suggested another alternative would be to make some lot-line adjustments along the east property line, creating a lot with a flag-lot configuration. He said that Staff should review the application and explore other alternatives.

Mr. Trotter made a MOTION TO CONTINUE THE PUBLIC HEARING to allow applicant and Staff time to explore additional alternatives. Mr. Cathey Seconded the Motion; the MOTION CARRIED 5 - 0.

2.2 VR-81-15 SANDRA MASON, 3830 Adams Atreet
PROPOSAL:

Request to construct a house addition within 0' of the future (expanded) right-of-way boundary of Railroad Avenue.

Jon Stein presented the Staff Report, mentioning the property owner to the east of the site is concerned about the possible necessity for a concrete retaining wall to prevent any earth slippage due to the slope of the property.

Steve Hall said the City of Milwaukie in conjunction with Clackamas County has applied for a grant of Federal Highway Funds to improve Railroad Avenue from 82nd Avenue to the future Milwaukie Tri-Met Timed Transfer Center across from City Hall. It has been tentatively approved by Metro for funding. Due to the cut-backs in funding, the City's plans are contingent upon Federal funds; if approved construction will not take place until two years from this October. Steve explained the attachments submitted to the Commissioners, which show the applicant's property before and after proposed additon and street improvements. The Public Works Department feels there would be enough room for the addition after the 10' dedication.

Mr. Cathey asked if there would be problems involving sight distances. Steve said the sight distance would not be a problem.

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Mr. Trotter asked if the concrete retaining wall would pose a sight distance problem. Steve said, this could definitely constitute a sight-safety hazard.

SPEAKING: SANDRA MASON, 3830 S.E. Adams Street, Milwaukie, Oregon

Ms. Mason explained that it would not be convenient to enter their home from the garage.

Mr. Cathey asked if there had been any consideration to leaving the parking area open. Ms. Mason said that would not be possible because the entire area floods during the winter months, and the cement walls would be necessary to prevent water from flowing into the basement. She said that at one time there was a garage located at the edge of the existing right-of-way.

Mr. Trotter asked if there was anyone who wished to speak in favor or against the request.

THE PUBLIC HEARING WAS CLOSED AT 7:50 p.m.

Steve suggested there be slight alterations to the proposal to allow applicants to receive the best use of their property. Steve said one option would be a trade-off of property in the right-of-way for S.E. Adams, which is 60' and only 50' required.

Mr. Trotter presented a drawing of an alternative to the proposal, which shows a detached garage placed at the Adams Street elevation with access from Adams Street.

There were several comments among the Commissioners indicating the concerns for safety of access from Railroad Avenue to the site. It was the opinion of the Commissioners access is available from Adams Street; future expansion of the Railroad Avenue right-of-way should be held of utmost importance for this site.

Mr. Mason showed the Commission the location of the sewer line on the site.

Mr. Trotter mad a MOTION TO CONTINUE THE PUBLIC HEARING to allow the applicant time to investigate other alternatives. Mr. Cathey Seconded the Motion, MOTION CARRIED 5 - 0.

THE MEETING RECESSED FOR FIVE MINUTES AT 8:05 P.M.: RECONVENING AT 8:10 p.m.

2.3 C-81-8 KOLL/INTERREAL, 10110 S.W. Nimbus Ave. B-11, Portland, Oregon -
Applicant and Property Owner

PROPOSAL:

Request to construct an office building in an M-L, Limited Manufacturing Zone.

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Jon presented the Staff Report. Ms. Sweetland asked what concrete tilt-up siding is. Steve explained that it is a method of construction where the concrete wall is poured first on top of the floor, and then moved into position.

SPEAKING: STEVEN JANIK, Representing Koll Co.; SONNA DURDELL, Assisting

Mr. Jank said that in the past the City had made it very clear that the main objective for this property is to attract developments in the industrial areas that are heavily job intensive. The City's concern as expressed at previous meetings, was that office uses would not provide as many jobs per square foot as compared to manufacturing uses. However, applicant's proposal will provide twice the number of jobs per square foot as the more traditional light manufacturing. One necessary condition is adequate parking for the some 200 employees. The proposal Koll Co. presents is one with a minimum number of parking spaces provided for J.C. Penny's Co. employees. Tri-Met has indicated there is no definite time frame for providing service to the area. Car-Pooling would accommodate an additional number of parking spaces for future employees. The Koll Co. also proposed additional landscaping, eliminating motorcycle parking spaces and six vehicle spaces, but leaving the minimum 200 parking spaces for employees. The landscaping will be comprised of a variable height design of various trees and shrubs. The applicant also requested that sidewalks not be required around the perimeter of the building, as it would not be difficult for pedestrian traffic to enter the building from the parking lot. Mr. Jank explained this J.C. Penny's Service Center will be an operation that services credit card accounts and not a facility open to the general public.

THE PUBLIC HEARING CLOSED AT 8:25 p.m.

Mr. Cathey asked if the vehicular impact had been addressed; specifically, the number of cars leaving the property at-one-time and merging at the nearest intersections. Steve Hall explained that the reason signalization was installed was to prevent the traffic problems that might occur during rush hours.

Mr. Lotz made a MOTION TO APPROVE C-81-8 with Amended Conditions: Deletion of Condition #3; amend Condition #4 to read: Reduce automobile spaces from 206 to 200; motorcycle spaces from 21 to 4; Condition #5 be amended to read: Shelter location to be coordinated with Tri-Met and approved by Staff; Condition #6 to be deleted. Mr. Trotter Seconded the Motion, THE MOTION CARRIED 5 - 0.

FINDINGS:

1. The use, with conditions, complies with the following elements of the Comprehensive Plan:
 - A. OBJECTIVE #1 - Economic Development, Policies #1, #2, #5, #6 , Page 35.
 - B. OBJECTIVE #2 - Employment Opportunity, Policies #1, #2, Page 36
 - C. OBJECTIVE #5 - Industrial Impacts, Policy #1, Page 36 and 37.
 - D. OBJECTIVE #6 - Local Transit Opportunities, Page 36 and 37.
 - E. OBJECTIVE #8 - Pedestrian/Bikeway, Policy #4, Page 72.
 - F. OBJECTIVE #2 - Transportation System, Policy #1, Page 82.

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2. The proposal with conditions complies with the following elements of the Zoning Ordinance:
 - A. Section 3.13.3.M - Minimum Vegetation
 - B. Section 4.14 - Minimum Vegetation
 - C. Section 5.01.3.c - Off-Street Parking Requirements
 - D. Section 5.03.8.b - Off-Street Parking and Loading
3. Negative impacts on adjacent properties are minimal.
4. The proposed design and landscape plan will be compatible with proposed buildings on adjacent properties approved for C-79-15 and C-80-4.

CONDITIONS:

1. Details for utilities, drainage, sidewalks, curb cuts, installation of wheel-chair ramps, lot striping and procedures for fire protection to be approved by Public Works and Fire Departments.
2. Submit landscape plan showing landscape additions as recommended, and with a variety of materials in compliance with the Zoning Ordinance to be approved by Staff.
3. Staff is to work with the applicant to study energy efficient alternatives.
4. Reduce automobile spaces from 206 to 200 and motorcycle spaces from 21 to 4.
5. Provide transit shelter and pad on International Way to be installed when transit service begins. Shelter location to be coordinated with Tri-Met and approved by Staff.
6. Submit sign details in conformance with Sign Ordinance.

5.0 CONSENT AGENDA

- 5.2 PLANNING COMMISSION MINUTES - JULY 14, 1981
Approved by consensus of the Planning Commission.

7.0 OTHER BUSINESS

- 7.1 REPORT ON THE BIRTHING CENTER APPEAL (C-81-4)
City Council, at their last meeting, adopted the findings prepared by the City Attorney and upheld the action of the Planning Commission to permit use of the site for a birthing center.
- 2.5 PD-81-2 WAVERLY TERRACE, WAVERLY LAND OF OREGON LTD., Applicant,
11300 N.E. Halsey #108, Portland, Oregon, 97220
LOCATION: West 17th. and McBrod Avenue intersection.

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PROPOSAL:

Continuation of June 9, 1981 Public Hearing to review Preliminary Plan and Program. Revised request is for six, two-unit attached structures, totalling 12 units.

Mr. Trotter explained that this request is in the conceptual stage, the function of the Planning Commission is to make comments so the applicant can prepare written description before submittal of final plan for approval. Jon Stein presented the Staff Report.

Ms. Jamtgaard asked how deep the parking space area was that is shown of the site plan. The applicant answered 20'.

SPEAKING: FRED ERLNBUSH, 6025 S.W. Jean Road, Lake Oswego, Oregon
Representing: Howard Pourman, Property Owner

Mr. Erlenbush said his new presentation was composed of 12 single-family units for an R-10 Zone. He described changes from the previously proposed 17-unit development, activity areas, and parking spaces which were shown on a drawing presented to the Commission. He also mentioned three different alternatives for parking provisions. The new drawing shows the units further away from the nearby neighbors, in deference to their request for privacy at the last meeting.

Mr. Cathey asked what his opinion was regarding financial return now that the proposal has been reduced from 17 to 12 units. Mr. Erlenbush said that in actuality he was acquiring four more units because the original plan was to construct 10 units on the site.

Mr. Cathey states he was not comfortable with the emergency parking arrangement on 17th Avenue. Mr. Erlenbush said that since the Public Works Department has not approved any other alternative for the parking provisions the proposal is limited because of topographical constraints.

Mr. Trotter asked if anyone else wished to testify in favor of the request.

SPEAKING: JERRY CORRIGAN, 10000 S.E. Cambridge Lane, Milwaukie, Oregon

Mr. Corrigan said his residence is directly west of the proposed development site, along the northwest corner. He stated that some of the proposed units were sited on the only wooded section of the property. He requested that the Commission consider the relocation of one particular unit to preserve some of the trees. He also requested that the Commission require the developer to construct a 6' high privacy fence extending along the western boundary of the development.

Mr. Trotter asked if there was anyone who wished to speak in opposition. There were no additional comments.

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SPEAKING FRED ERLENBUSH

Mr. Erlenbush said that he did anticipate saving the trees if possible, however the cul-de-sac is already developed and replacement of the units must be in keeping with the setback requirements and the current roadway.

Mr. Cathey mentioned his experience in the past of an insurance company not insuring the property because of the imperilment of dead or diseased trees after construction had been injurious to them.

Mr. Trotter said that over half of the useable space for community use is proposed for location on 17th Avenue far away from most of the units. He suggested increasing the outdoor area at the top of the hill where most of the units are located, and utilizing the space at the bottom of the hill on 17th Avenue for relocated units.

Mr. Trotter said the Commission would continue the public hearing for the procedure of the Preliminary Plan and Program when the applicant submits further data.

7.0 OTHER BUSINESS

7.2 REPORT OF THE CITY BUDGET

City Council prepared a budget for the September 15th ballot, which included continued funding for the Planning Department.

MEETING ADJOURNED AT 9:45 p.m.

Donald L Trotter

AGENDA
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1.0 CALL TO ORDER

2.0 PUBLIC HEARINGS

2.1 M-81-10/VR-81-14 PALMER

Request to Minor Land Partition a parcel into two lots with variance allowing the elimination of one covered parking space (LOT #1) and an area variance of 114 square feet from the minimum lot size (LOT #2).

2.2 VR-81-15 MASON

Request to construct a house addition within 0' of the future (expanded) right-of-way boundary of Railroad Avenue.

2.3 C-81-8 KOLL/INTERREAL

Request to construct an office building in an M-L, Limited Manufacturing Zone.

2.4 PD-81-2 WAVERLY TERRACE

Continuation of June 9, 1981 public hearing to review Preliminary Plan and Program. Revised request is for six, two-unit attached structures, totalling 12 units.

3.0 PUBLIC COMMENT

4.0 CONSIDERATION

5.0 CONSENT AGENDA

5.1 CITY COUNCIL MINUTES

5.2 PLANNING COMMISSION MINUTES - JULY 14, 1981

6.0 OLD BUSINESS

7.0 OTHER BUSINESS