

CITY OF MILWAUKIE  
MINUTES OF PLANNING COMMISSION  
REGULAR MEETING  
SEPTEMBER 22, 1981

MEMBERS PRESENT:

DON TROTTER  
JIM LOTZ  
PATRICIA JAMIGAARD  
GEORGE CATHEY  
BOB GUDGEL

ALSO PRESENT:

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

MEMBERS ABSENT:

REBECCA SWEETLAND  
TOM BOND

Mr. Trotter called the meeting to order; asked the audience to allow space for those in attendance for the Waverly Land of Oregon public hearing to be seated in the Chambers and those in attendance for Brun-Moreland-Christopher public hearing to step into the hallway and wait for that hearing.

2.1 PIPPIN TOO - APPLE CONSTRUCTION CO., Applicant  
C.V. AND RACHINE SHEPARD, Property Owner

Request for Final Plat approval of an eight-lot subdivision.

Jon Stein present the Staff Report, stating Staff's recommendation to approve the Final Plat of an eight-lot subdivision on south side of Llewellyn Street between 47th and Home Avenues. Applicant has complied with Conditions set forth at the meeting on April 14, 1981.

Mr. Cathey asked to remove himself temporarily from the Commission because of conflict of interest. Mr. Trotter acknowledged his request and asked Mr. Cathey to step down from the panel.

Topaz Faulkner, Planning Director served as ex officio member of the Planning Commission during Mr. Cathey's absence.

Mr. Gudgel made a Motion to approve S-81-1; Mr. Trotter Seconded the Motion.  
THE MOTION CARRIED 4 - 0.

2.2 WAVERLY LANDS OF OREGON INC. - PD-81-2 , Property Owner  
HOWARD POHRMAN, Applicant

The Planning Commission agreed in principle to accept the Preliminary Plan and Program to allow a 12-unit, single-family attached project and, by consensus, agreed to the modified Site Plan #2, authorizing the Applicant to proceed with preparation of the Final Plan and Program.

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Mr. Trotter read a letter received from Mr. Gerald Corrigan, 10,000 S.E. Cambridge Lane, Milwaukie, Oregon 97222, supporting the development and requesting a fence be constructed along the western boundary of the property.

SPEAKING: FRED ERLENBUSH, 6025 S.W. Jean Road, Lake Oswego, Oregon  
Representing ARAGON MANAGEMENT AND PLANNING for Howard Pohrman

Mr. Erlenbush explained the materials submitted to the Commission which contained typical site elevations; house plans, patio areas, written plan describing various areas of the site for activity use, roadway use, etc.; estimated schedule of construction for Waverly Terrace; information of street improvements; utilities plan. Mr. Erlenbush said that at the last meeting of August 25, 1981 there was only a suggestion to have the entire periphery of the property fenced. The Applicant does not object to fencing the west property line. Mr. Erlenbush mentioned that the Planning Commission had requested the Staff to investigate the requirement of Applicant providing proof of financial security; the Conditions of approval guarantee that the P.D. will be developed as planned.

Mr. Trotter stated that if the proposed unit nearest 17th Avenue remains at the siting then a Variance will be required for the rear yard of 7'. Mr. Erlenbush stated that a Variance should be granted because of the unique site conditions.

Mr. Lotz asked Mr. Erlenbush if there would be adequate room within the combined driveway for maneuvering and parking. Mr. Erlenbush explained the driveway was oversized by an extra 10' and the units are staggered to allow extra maneuvering space.

Mr. Trotter asked if there was anyone present who wished to speak in favor or opposition to the request. There was no response.

Mr. Lotz asked Mr. Eades for his opinion on the requirement for Applicant to submit guarantee of financial security. Mr. Eades explained that the Commission probably could not require the Applicant to provide a guarantee that the entire project would be completed as planned. A possible alternative would be to require a guarantee that all the common areas and other improvements would be installed and completed before the first unit is occupied.

THE PUBLIC HEARING CLOSED AT 7:25 P.M.

Mr. Trotter suggested that the design of the unit nearest 17th Avenue be one which will not require a Variance.

Mr. Gudgel said that since the property is narrow at that point a very unique and unusual circumstance does exist.

Mr. Trotter mentioned the Applicant had agreed to presenting Covenants and an Association Agreement, street and security lighting at the next meeting.

Mr. Gudgel said that the Applicant should also submit a guarantee that common areas would be entitled to the first owner-occupant of the development.

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Mr. Trotter asked if there are any regulations for the Applicant to submit guarantees entitling the first occupants of the development to common areas.

Steve Hall explained that private facilities are handled the same way that public facilities are, which require a performance bond or lien on certain securities. Usually the Applicant works with the Staff to provide the security to cover the funds for improvements.

Mr. Lotz said he was concerned with the aesthetic value of the single unit nearest 17th Avenue, in comparison with the other multiple units of the project.

Mr. Trotter suggested that the Applicant submit an alternate floor plan for the proposed single unit at the next meeting.

Mr. Trotter allowed Mr. Staver to speak because he had been detained in the hallway by the Fire Marshal, due to the audience exceeding the capacity of the Council Chambers.

SPEAKING: LEROY STAVER, 9908 S.E. Cambridge Lane, Milwaukie

Mr. Staver said he lives next to the proposed site. Mr. Staver asked the Commission what assurance has the Applicant given to guarantee the completion of the project.

Mr. Trotter explained the City Attorney has suggested that the Applicant work with Staff to compile some sort of guarantee that would provide common facilities for the first owner-occupants of the project.

Mr. Trotter made a Motion to CONTINUE THE APPLICATION PD-81-2, to allow the Applicant sufficient time to address items listed in the Staff Report which had not yet been presented to the Commission and opportunity to compile data relative to the proof of financial guarantee issue. Ms. Jamtgaard Seconded the Motion. THE MOTION CARRIED 4 - 0.

Mr. Cathey resumed his position on the panel.

2.3 BRUN-MORELAND-CHRISTOPHER, ARCHITECTS, Applicant  
W.J. Freeman, Property Owners  
Oak Hill Investment Co., Developer

PRC-81-1

Request Planning Commission recommendation of Comprehensive Plan Map Amendment from Low-Density Residential to Commercial.

C-81-10

Conditional Use request to permit construction of an office building and parking lot near intersection of Lake Road and Freeman Way. Allowance of an office as a Conditional Use is contingent upon Planning Commission and City Council approval of PRC-81-1.

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VR-81-18

Variance Request to permit construction of office building 3 ½ stories rather than allowed 2 ½ stories.

ZC-81-3

Request to consider amendment of Planned Development Ordinance #1416 to allow neighborhood (convenience) store in C.N. - P.D. Zone (Neighborhood - Commercial, Planned - Development Zone.) Consideration of amendment is contingent upon Planning Commission and City Council approval of PRC-81-1.

C-81-9

Request to permit construction of a neighborhood store and parking lot near intersection of Lake Road and Freeman Way. Review of the request is contingent upon approval by Planning Commission and City Council of PRC-81-1 and ZC-81-3.

Mr. Trotter mentioned there had been some misunderstanding concerning notification of the Public Hearing and asked if there as anyone in the audience who wished to address the Commission.

SPEAKING: BARBARA MYERS, Northridge Concominiums, 12600 S.E. Freeman Way, Unit #11

Ms. Myers stated the residents of Northridge Condominiums did not receive notification of the Public Hearing on September 8, 1981 and it was only because Mr. Stein had hand delivered the notices a few days before that the neighbors were aware of this action. However, many of the residents in the surrounding area had not been notified of the hearing.

Mr. Trotter explained that the meeting previously scheduled for September 8, 1981 had been cancelled in order to allow Staff time to prepare adequate Staff Reports. Mr. Trotter explained that public notice had been given to property owners according to normal procedure.

Topaz mentioned the Ordinance states notification must be sent to property owners within a 500' or five-lot radius of the proposed site and notices had been sent according to the Assessor's list. In addition, notices had been hand delivered by Staff, as well as notice being printed in the legal section of the paper, and a large sign posted on the subject property.

Mr. Eades said that the Assessor's property owner records are already several months old when printed and at this time they are over a year old; new, more complete records would be available in November.

Noting that the Council Chamber was at capacity, Mr. Trotter asked persons in the audience who were not in attendance for this public hearing to exchange places with those in the hallway who wished to hear testimony concerning the property at Freeman Way and Lake Road.

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SPEAKING: DEDI JUHALA, 12345 S.E. Wherelse Lane, Milwaukie

Ms. Juhala asked how the Ordinance would be change to include more than 500' for public notification. Mr. Trotter said that annually the Commission reviews the Comprehensive Plan and Zoning Ordinance before a public hearing, at that time the public may request a change.

SPEAKING: JIM CROOKSHANK, 12600 S.E. Freeman Way, Unit #44, Milwaukie

Mr. Crookshank said the Planning Department should be commended for their attempts to notify the property owners. He said however, that proper procedure was not followed for public notification as stated in the Ordinance, and he was not in favor of continuing the public hearing.

Mr. Lotz said the evidence of so many persons attending the public hearing surely was a positive response to public notification. He mentioned that policy had been set to provide public notification to apartment dwellers through a hand-delivered method.

Mr. Trotter stated the public hearing would continue; each Staff Report would be presented in sequence according to each request.

Mr. Cathey suggested the group in attendance appoint a general spokesperson.

Jon Stein presented the Staff Reports, beginning with PRC-81-1 and mentioned that Mr. Bob Kennedy was present to assist the Commission by providing information from prior public hearings and to answer questions concerning the interpretation of actions taken in 1978.

SPEAKING: BOB KENNEDY, 3628 S.E. Monroe Street, Milwaukie, Oregon

Mr. Kennedy said, at the meeting August 8, 1978 Tom Foeller had made the Motion and it was Seconded by himself to leave this proposed site zoned Neighborhood-Commercial.

Mr. Lotz asked Mr. Kennedy if there were any comments regarding the future use of the property. Mr. Kennedy said he recalled the intent of the Planning Commission was to compensate for the reduction of available commercial property at Harmony Road and Linwood Avenue, by the creation of commercial property between Freeman Way and Highway 224.

Mr. Gudgel said he remembered that there was controversy between the neighbors who opposed commercial use on the site and the Commission who was willing to accept a variety of commercial uses.

Jon Stein present the other Staff Reports: C-81-10; VR-81-18; ZC-81-3 and C-81-9.

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SPEAKING: DENNIS BRUN, Representing Brun-Moreland-Christopher, Architects  
1020 S.W. 10th Avenue, Portland, Oregon  
for the developer, Oakhill Investment Co.

Mr. Brun said that W.J. Freeman is the current owner and Oakhill Investment will be the developer and purchaser of the property. Mr. Brun presented colored Site Plan. He said due to the slope of the property the building would be no higher than 46'. Applicant intends to berm the first-floor level of the office structure, which would reduce the apparent height of the building. The Applicant does not anticipate the structure to be any higher than the bluff into which it will be terraced, as shown on the Site Plans. Applicant is in agreement with the Staff Report PRC-81-1. Mr. Brun said that it is his interpretation of Ordinance #1416 did not prohibit a convenience store in a C.N. - P.D. Zone; only the reference to convenience store was to be deleted in that particular Ordinance. The use of evergreen trees in the landscape plan might be in conflict with OBJECTIVE #4- Site and Building Design, because they do restrict sunlight. He suggested that this Condition be modified slightly to make reference to energy efficient structures as opposed to solar energy useage. Solar heated water in a store would not be economically beneficial. The Applicant is opposed to the recommendation stated in Staff Report C-81-10; VR-81-18, Page 5, SAFETY, which suggests a reduction of parking spaces to allow more space for landscaping. The Applicant feels the amount of parking is a definite asset to the location and commercial quality of the site.

Mr. Brun said the Applicant is willing to comply with Public Works recommendation to reduce the number of ingress and egress points, one for the store and two for the office building. Mr. Brun said the word "center" identifies that there is more than just a neighborhood store; perhaps a study could be done to show the number of persons who would be served to be less than 2,000 - 4,000 as mentioned in the Staff Report. Convenience stores were developed to reduce the impacts on the neighborhood by reducing pollution, providing convenience in travel time and distance. Mr. Brun mention Section 309, Neighborhood-Commercial Zone permits a food store as a Conditional Use. According to the Public Works Department the potential traffic generation will not be detrimental to the neighborhood. Mr. Brun asked the Commission to approve the Conditional Use request with modified Conditions.

Ms. Jamtgaard asked if the Applicant had a copy of the design for the convenience store. Br. Brun said a drawing had been submitted to the Commission showing the convenience store, however the Site Plan that was posted did not have the store shown because it had been drawn prior to the preparation of the Staff Report.

Mr. Cathey asked Mr. Brun if he would be willing to provide space for a Tri-Met Bus Stop. Mr. Brun said they would be more than willing to allocate space for a bus stop.

Mr. Trotter asked Mr. Brun to indicate, on the Site Plan that was posted, where the height of 46' would be and if the penthouse would remain as shown. Mr. Brun said they would be agreeable to relocating the mechanical equipment on the ground level and eliminating the need for a penthouse, reducing the building height. The total height of 46' would include the office and parking sections. The parking level would be constructed below grade, and a berm would be along the first floor. The height above ground would be approximately 26' to 40', depending on structural considerations.

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Ms. Jamtgaard asked Mr. Brun how much higher the condominiums were than the top of the proposed office building. Mr. Brun said the condominiums are located on the west edge of the bluff, and the top of the office building would be lower than the base of those dwellings.

Mr. Lotz asked if several tenants were expected to occupy the office building, and if there would be any type of restaurant facility within the building. Mr. Brun said there would be several different tenants occupying the building but no inquiry had been made for a restaurant facility.

Mr. Trotter asked for a show of hands of those persons wishing to testify, and a number of people responded.

At 9:10 p.m. the meeting recessed, and reconvened at 9:20 p.m.

There was consensus among the Commissioners for postponement of C-81-12; C-81-13, Gordon Nichols and VR-81-20, Calvin Ritchey; Robert Schram and place them first on the Agenda for October 13, 1981, because of the length of the Brun-Moreland-Christopher public hearing.

Mr. Trotter asked if there was anyone present who wished to speak in favor of the request; there was no response. Mr. Trotter asked if there was anyone present who wished to speak in opposition to the Brun-Moreland-Christopher application or if anyone had any questions concerning the application

SPEAKING: LARRY IVERSON, 13118 S.E. Freeman Road, Milwaukie

Mr. Iverson asked if Mr. Freeman is a party in principle to Oakhill Investment Company. Mr. Iverson mentioned that there were several other commercial uses that could be placed at this site which would better serve the community. A commercial use that would operate at normal office hours and generate a minimum amount of traffic would be more of an advantage to the community. He mentioned the proposed store would be directly across from the school administration building. It is his opinion that convenience stores attract juveniles, litter, loitering, use of drugs, and vandalism. The school administration building would most definitely be a prime target for vandalism if juveniles were attracted to that location.

SPEAKING: DEDI JUHALA, 12345 S.E. Wherelse Lane, Milwaukie

Ms. Juhala said there was an error in the Minutes of the Planning Commission Special Meeting of August 8, 1978. The Minutes stated there was a letter of opposition received from Dedi Juhala and the Neighborhood Council. The record should also have stated a petition had been received containing 30 signatures of persons in opposition and that a letter was sent from Mr. Salizar, a property owner near the site.

Mr. Trotter asked Ms. Juhala what portion of the application were these people in opposition to. Ms. Juhala said it was the entire package of applications.

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Ms. Juhala mentioned that in 1978 residents within a radius of approximately one mile, almost unanimously objected to any type of commercial development in the area, especially the convenience store. These people have not changed their minds and are even more adamant against the proposal now. Ms. Juhala submitted seven petitions with approximately 200 signatures and a letter from Isabelle McLoughlin, 12235 S.E. Gilford Drive, Milwaukie, in opposition to proposals by Brun-Moreland-Christopher, Architects. She stated these people are not only opposed to a convenience store but are opposed to any commercial development that would generate a high level of traffic. She said the residents of the area are interested in how the determination was made which claims a need for a convenience store in a commercial building. Persons who have signed these petitions are doing so because they do not want or need a convenience store in their area. A major concern of the residents is the amount of heavy traffic flowing from Lake Road onto Freeman Way during the rush hours. A left-turn lane was suggested by the residents of the area but not installed. They feel persons who would be traveling from the south to come to this commercial center would not be likely to use Highway 224, but instead would use Lake Road. Another concern the residents have is the need for a pedestrian crosswalk across Lake Road to the site.

SPEAKING: KEN BERTRAND, 4350 S.E. Jobs Court, Milwaukie

Mr. Bertrand stated his concerns for the safety of the neighborhood's children who board the school bus on Lake Road during hour of peak traffic flow.

SPEAKING: KENNETH W. HITE, 12600 Freeman Way, Unit #22, Milwaukie

Mr. Hite said the neighbors had assumed there would be a two-story office building constructed at the site that would not interfere with the view of those living in the Northridge Heights Condominiums. The noise from the vehicular traffic and persons patronizing the convenience store would surely carry upward to the condominiums disrupting their privacy.

SPEAKING: DR. J.H. TODD, M.D. SURGEON AND FAMILY PRACTICIONER on staff at Dwyer Hospital, 12600 S.E. Freeman Way, Unit #36, Milwaukie

Mr. Todd stated that convenience stores attract drug pushers, and because they sell wine and beer loitering is increased.

SPEAKING: JIM CROOKSHANK, 12600 S.E. Freeman Way #44, Milwaukie

Mr. Crookshank mentioned that there is another convenience store less than a half mile from this proposed site and said he does not feel there is a need for another one. He asked if the developer intended to provide plantings on the roof top to reduce the intensity of their distracted view.

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SPEAKING: BARBARA MYERS, 12600 S.E. Freeman Way, Unit 11, Milwaukie

Ms. Myers asked Staff to add residents of the Northridge Condominiums, Units #1 through #75 to the list of persons who would be notified of any public hearings regarding the said property. Ms. Myers said most of the neighbors knew there would be some type of commercial development at this site, because the Freeman's had given the property owners the impression there would be a two-story office building constructed within the near future. Ms. Myers said there is a triangular section of the property next to the hillside that still belongs to the Freeman's. She asked the Staff to provide documents regarding that plat and what the future intent for that section of property is because there would be no access to the plat after this development is completed. She also asked if any part of the hillside would be destroyed during construction.

Ms. Myers mentioned the importance of their view of Mt. Hood. Ms. Myers stated her concerns regarding several issues and asked Staff to submit clarification on: the position of the bikepath, sidewalks, crosswalks, and bus stop; building height in comparison to the slope of the bluff in terms of interference with privacy or view of the condominium dwellers; the type of office uses permitted in this zone, would there be a limit to operational hours (8 a.m. to 5 p.m.); what the impact would be regarding pedestrian and vehicular traffic; would there be any consideration to have a restaurant establishment be a leasee of the office building; who had done the poll that had determined the need for a convenience store in that area; the positions of entrance and exit points to the store and office from Freeman Way; the exterior building materials and colors in comparison with that of Northridge Estates, which is cedar siding; reduction of traffic flow if the number of parking spaces were reduced; and solar usage.

SPEAKING: JIM REED, 12600 S.E. Freeman Way, Unit #34, Milwaukie

Mr. Reed asked if the developer intended the trees and bushes shown on the Site Plan to be those of full growth.

SPEAKING: JAMES JONES, 13033 S.E. Freeman Road, Milwaukie

Mr. Jones stated that people who live in Bauman Terrace did not want a convenience store in that area nor do they want another heavily traveled thoroughfare similar to 82nd Avenue.

SPEAKING: DENNIS BRUN, Representing Brun-Moreland-Christopher, Architects  
1020 S.E. 10th Avenue, Portland, Oregon  
for the developer, Oakhill Investment Co.

Mr. Brun said he had been unsuccessful in meeting with the property owners and residents of the neighborhood. He said that Mr. Freeman is in no way connected with Oakhill Investments. Mr. Brun said that even though there is opposition from the neighbors the Ordinance provides for commercial uses such as convenience stores in this area.

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Mr. Brun said that he did not agree with comments stating that loitering juveniles would cause vandalism, drug solicitation, or undue litter. He said the commercial uses provide a strong tax base for the community without the use of public schools, water or sewer; and are a contributing element to the community. Making alterations to the design of the office building to a two-story unit would have a very negative impact on the community because it would consume more of the ground area. Mr. Brun said the design chosen was compatible with the height of the ridge which would allow residents a very distinguished view of Mt. Hood.

Mr. Lotz asked if there was any way to prevent Highway traffic from merging into the area and utilizing the services of this neighborhood store. Mr. Brun expressed that the proposed location would not be the most expedient for highway travelers and is intended only to serve the surrounding neighborhood.

Mr. Lotz asked how many employees are expected to be employed in the office building. Mr. Brun said that he would not estimate the number of persons who would be at the building because he did not know, as yet, the types of businesses that would be occupying the site.

Mr. Lotz suggested that a restaurant facility be considered in the office building to provide lunches, reducing traffic flow during the noon hour.

Mr. Gudgel expressed that he was in favor of altering the design of the building to accommodate a two-story office unit. Mr. Brun said that would be a negative alteration because of the contour on the hillside, and the increased amount of land that would be consumed by a two-story building, as compared to a three-story building.

Mr. Brun said the compatibility of design does not necessarily mean copying surrounding designs. He mentioned the final Site Plans had not been prepared.

Mr. Cathey mentioned that Exhibits #1 and #3 of PRC-81-1 show boundaries of the property, in his opinion they are correct.

Ms. Jamtgaard asked Mr. Brun what the approximate distance would be from the bluff on the west and the front portion of the proposed office building. Mr. Brun said it would be approximately 120'.

Ms. Jamtgaard asked, what will extend above the roofline if the penthouse is removed from the design. Mr. Brun said the only structure that would remain on the roof then would be vents, which would rise one to two feet above the roof.

THE PUBLIC HEARING CLOSED AT 10:45 P.M.

There was deliberation among the Commissioners regarding the deletion of a Condition for PRC-81-1, as it is not applicable. Mr. Cathey made a Motion to RECOMMEND TO THE CITY COUNCIL TO AMEND THE COMPREHENSIVE PLAN MAP DESIGNATING THE SITE AS COMMERCIAL. Mr. Gudgel Seconded the Motion. The MOTION CARRIED 5 - 0. Staff would prepare a cover letter on the recommendaiton to the City Council.

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The Commission considered the request of the Applicant for C-81-10; VR-81-18 for the construction of the proposed office building. The Commissioners voiced concerns regarding height, berming, height of the adjacent condominiums in relationship to the proposed buildings, site plans and topography maps showing property within approximately 200' of the property boundaries, compatible design to adjacent properties, a conceptual plan showing the comparison of a two-story office unit to that of the proposed unit, window ledge elevations of the condominiums, current and altered contours after excavation, exterior color scheme, site plans showing ingress and egress points of the site.

Mr. Trotter made a Motion to CONTINUE CONDITIONAL USE C-81-10; VARIANCE REQUEST VR-81-18 to allow the Applicant time to provide information outlined in the discussion. Mr. Cathey Seconded the Motion, the MOTION CARRIED 5 - 0. Mr. Trotter asked the Applicant to consult with Staff in reviewing the points of concern the Commission had.

The Applicant's request for ZC-81-3, was then considered by the Commission.

Mr. Cathey asked if the words "convenience store" had been deliberately left out of the Ordinance. Mr. Trotter said the reference was deleted by the Council because of citizen opposition.

Ms. Jamtgaard asked Staff to explain earlier the comment referring to the Koll Co. about constructing a convenience store on their property on the north side of Highway 224. Topaz said there had been discussion about it, but at the present time it is not their plan to include a convenience store in their development.

Mr. Lotz and Mr. Trotter were in agreement, they both expressed opposition to granting an amendment of the Planned Development Ordinance #1416. The Council's justification of deleting reference to a convenience store for a planned unit development was a reaction of the property owners in the area.

Mr. Trotter made a Motion to DENY THE REQUEST FOR AMENDMENT TO THE PLANNED DEVELOPMENT ORDINANCE #1416, Zone Change Request ZC-81-3. Ms. Jamtgaard Seconded the Motion.

Mr. Gudgel said there is a conflict between the objective of the Comprehensive Plan and the revision for C.N. Zoning: The C.N. Zone is designed for just this type of use, which may be a holdover from the prior Zoning Ordinance. If the Commission's intent is to do away with the need for C.N. Zone altogether, they should consider the need for it in cases of nonconforming use.

Mr. Eades stated there should be reasons submitted to the Council for denying the amendment to the Planned Development Ordinance #1416.

Mr. Lotz asked for the Motion to be repeated. THE MOTION CARRIED 4 - 1, Mr. Cathey abstaining. The reasons for denial are: there has been no real change occurring in the area that would justify changing the Ordinance, the proposal is not consistent with the Comprehensive Plan, and it is not compatible with the use in that area. Mr. Trotter asked to have a cover letter prepared to show the recommendation for denial and reasons for such.

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Mr. Trotter made a Motion to DENY APPLICATION FOR CONDITIONAL USE C-81-9 for the construction of a neighborhood store and parking lot near the intersection of Lake Road and Freeman Way because it is incompatible with P.D. Ordinance #1416. Mr. Lotz Seconded the Motion; the MOTION CARRIED 4 - 1, Mr. Cathey abstaining.

5.0 CONSENT AGENDA

5.1 CITY COUNCIL MINUTES - SEPTEMBER 1, 1981 MEETING  
The Minutes were approved by consensus of the Commission.

5.2 PLANNING COMMISSION MINUTES - AUGUST 25, 1981 MEETING  
Mr. Trotter mentioned a correction on Page 5 of the Minutes.

THE MEETING ADJOURNED AT 11:45 P.M.

*Donald L Trotter*

AGENDA

PLANNING COMMISSION

SEPTEMBER 22, 1981

1.0 CALL TO ORDER

2.0 PUBLIC HEARINGS:

2.1 WAVEREY LANDS INC., PD-81-2

The Planning Commission has agreed in principle to accept the Preliminary Plan and Program to allow a 12-unit, single-family attached project and by consensus agreed to the modified Site Plan #2, authorizing the Applicant to proceed with preparation of the Final Plan and Program.

2.2 BRUN-MORELAND-CHRISTOPHER, ARCHITECTS

PRC-81-1

Request Planning Commission recommendation of Comprehensive Plan Map Amendment from Low-Density Residential to Commercial.

C-81-10

Conditional Use request to permit construction of an office building and parking lot near intersection of Lake Road and Freeman Way. Allowing an office as a Conditional Use is contingent upon Planning Commission and City Council approval of PRC-81-1.

VR-81-18

Variance Request to permit construction of office building 3 ½ stories rather than allowed 2 ½ stories, whichever is less.

ZC-81-3

Request to consider amendment to Planned Development Ordinance 1416 to allow neighborhood (convenience) store in C.N. - P.D. Zone (Neighborhood - Commercial, Planned - Development Zone).

Consideration of amendment is contingent upon Planning Commission and City Council approval of PRC-81-1.

C-81-9

Request to permit construction of a neighborhood store and parking lot near intersection of Lake Road and Freeman Way. Review of request is contingent upon approval by Planning Commission and City Council of PRC-81-1 and ZC-81-3.

2.3 GORDON NICHOLS, C-81-12; C-81-13

Request to place one mobile home on each of two flag-shaped parcels.

2.4 CALVIN RITCHEY; ROBERT SCHRAM VR-81-20

Request to allow variance from Section 3.01.3.j of the Zoning Ordinance to permit residential construction on a 2.7 acre parcel that does not abut a public street. If the variance is granted, applicant proposes to Minor Land Partition the site into three lots, with single-family residences on two.

3.0 PUBLIC COMMENT

4.0 CONSIDERATION

5.0 CONSENT AGENDA

5.1 CITY COUNCIL MINUTES - SEPTEMBER 1, 1981

5.2 PLANNING COMMISSION MINUTES - AUGUST 25, 1981

6.0 OLD BUSINESS

7.0 OTHER BUSINESS

7.1 REVIEW OF LEGISLATION AFFECTING CITY PLANNING.

7.2 NEW APPEAL PROCEDURE