

CITY COUNCIL MEETING
December 3, 1974
7 p.m.

COUNCIL CHAMBERS

Special Meeting

A special meeting of the Council of the City of Milwaukie, Oregon, was held on the 3rd day of December, 1974. The following councilpersons were present:

Bill E. Hupp	William M. Keller
Robert G. Stochosky	Mayor Donald W. Graf
Joy Burgess	

Also present:

Harold Schilling, City Manager	Mark Landis, Planning Commission (left early)
Myer Avedovech, City Attorney	Jon Nickel, Planning Commission (left early)
Bob Kennedy, Planning Commission	Michelle Brown, Secretary Pro Tem

The meeting was called for the purpose of a hearing on a zone change request for property located on the south side of Lake Road approximately 120 feet east of 28th Street, from R-7, Single Family Residential, to A-2, Apartment Residential, in accordance with a court order remanding ZC-73-8 (previously denied by the Council) to the Council for re-hearing with adequate notice and findings.

Councilman Hupp refrained from voting or discussion on this matter.

Public hearing was opened at 7:00 p.m., with notices published and mailed as required. City Attorney presented background information, including a summary of the history of this case, and gave the staff report.

Speaking in favor:

John Burns, attorney representing applicant
(stated the applicant would be willing to contract or condition the zone change on the following: 1) no ingress or egress onto 28th Street; 2) will provide screening for property owners on 28th Street; 3) property taxes on 28th St. property would not be raised due to zone change - submitted "Martindale et al vs. Department of Revenue" to support this)

Jim Hall, representing applicant
(distributed documents entitled "Report for Rezone Request: Mrs. Lillian Gambell" and "Area West of Presbyterian Church to Railroad;" displayed slides of the subject property; and displayed wall maps entitled "Gambell Re-Zone Application" showing all apartment zoned property in the City and its state of development, "Gambell Re-Zone Application" showing developments interviewed, "Ownerships: Gambell Re-Zone" showing property owners in area surrounding subject property, and "Gambell Re-Zone" showing a proposed site plan. He stated the applicant would be willing to condition the approval on the following: 1) no access on 28th Street; 2) 35 foot setback from property on 28th Street; 3) end-on views abutting 28th Street properties; 4) Croft property could not use 12 1/2 foot easement for access to property if developed.)

(Meeting recessed at 8:20 p.m. and reconvened at 8:30 p.m. with all present except Landis and Nickel.)

Irwin Adams, 2453 Lake Road
Al Jager, 3012 Lake Road
Donna Leitz, 3306 Lake Road
Lillian Gambell, applicant
Bessie Gambell, 2080 - 3rd Avenue

Speaking in opposition: Ed Tabrum, 2216 - 28th Street
(presented document entitled "28th Street Residents Association" regarding concerns of 28th Street residents)
Jean Baker, 2607 Monroe
Bob Phillips, 2035 - 28th Street
Ron Knepper, 2126 - 28th Street

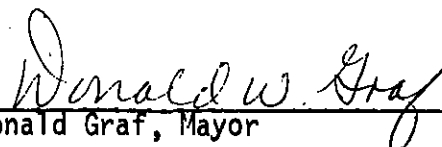
Questions raised: Ed Tabrum, 2216 - 28th Street
Jean Baker, 2607 Monroe Street
Jack Shea, 2135 - 28th Street

Bob Kennedy provided comments regarding areas of concern of the Planning Commission. Rebuttal for the applicant was offered by Jim Hall and John Burns. Hearing was declared closed at 10:30 p.m.

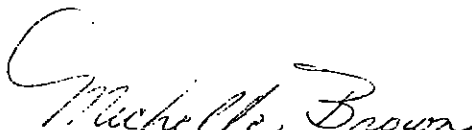
(Meeting recessed at 10:30 p.m. and reconvened at 10:35 p.m. with all present.)

IT WAS MOVED by Stochosky, seconded by Keller, to deny on the issue based on citizen objection, on all of the neighbors in the area being opposed. MOTION FAILED to pass, with Burgess and Keller voting against. IT WAS MOVED by Keller, seconded by Burgess, to direct staff to prepare an ordinance allowing the zone change because: 1) the petitioner has shown public need; 2) has shown that this is the only practical development of this property, which is in a sad state of uncontrolled growth and lack of being properly maintained now; 3) that the requested zone change is in accordance with the Comprehensive Plan which contemplates this area being developed with high density and adjoins another A-2 property to the east, so this is compatible; and, 4) the matters set forth in the staff report. MOTION CARRIED and so ordered, with Stochosky voting against. Staff was further instructed to prepare a memorandum to the Planning Commission for Council review concerning items to be considered in the buffer area review for this property when developed, including a 35 foot setback from 28th Street properties, adequate screening, end-on views abutting 28th Street properties, and height of structures.

Meeting adjourned at 11:35 p.m.


Donald Graf, Mayor

ATTEST:


Michelle Brown, Secretary Pro Tem