

Joe Bernard, President of the Traffic Safety Commission, was present to discuss the process for consideration of clear vision variances. He stated that the Traffic Safety Commission would be willing to hear citizens and make a recommendation to the Planning Commission. It was the CONSENSUS to adopt the procedure outlined in the City Attorney's memorandum for future clear vision area variance requests as follows: 1) Variance application received in Planning Department; 2) Background materials such as pictures, scale drawings, maps, accident reports submitted to the Traffic Safety Commission for review; 3) Review and recommendation by Traffic Safety Commission to Planning Commission; 4) Same material forwarded to Police Department for review; 5) Report and recommendation

from Police Department to Planning Commission; 6) A staff report which will include copies of the Traffic Safety Commission and Police Department reports being given to Planning Commission and to applicant; 7) Applicant's variance request being placed on a regular Planning Commission agenda; 8) Matter being considered at Planning Commission meeting. If after this procedure has been followed and the applicant still is not satisfied with the result, he may appeal the decision of the Planning Commission as provided in the Zoning Ordinance in Section 10.020.

- VR-75-11 Erwin G. Nakath, applicant. Request for variance from clear vision area requirements in A-2, Apartment Residential, zone at southwest corner of 32nd and Balfour (Tax Lot 9300, T1S, R1E, Section 25CA)

Mr. Nakath was not able to be present due to illness. It was the CONSENSUS to refer this request to the Traffic Safety Commission and Police Departments for a recommendation, using the procedure outlined above.

- VR-75-12 David S. Johnson, applicant. Request for variance from clear vision area requirements in R-7, Single Family Residential, zone on northeast corner of 35th and Lake Road (Tax Lot 10300, T1S, R1E, Section 36DB)

Staff report, recommending partial variance, was given by Tim Holder. Mr. Johnson was present and stated he agreed with the staff's recommendation and would comply with that instead of referring the matter to the Traffic Safety Commission and Police Departments. IT WAS MOVED by Nickel, seconded by Kennedy, to approve VR-75-12 as follows: The hedge should be trimmed to a height of 30 inches from curb elevation 25 feet from the property line along Lake Road and 5 feet from the property line along 35th Avenue, with an alternative to replant the hedge along the lines indicated for required setback. MOTION CARRIED unanimously (Casale not present), and so ordered.

- VR-75-13 Ronald G. Naff, applicant. The Robert Randall Company, property owner. Request for variance from Resolution PC-2-68 to construct 210 parking spaces 9 feet wide in C-L, Limited Commercial, zone on the northwest corner of Linwood and Railroad Avenues (Tax Lot 100, T1S, R2E, Section 31D)

Staff report, recommending approval, was given by Tim Holder. Ronald Naff was present to answer questions concerning the request. IT WAS MOVED by Nickel, seconded by Kennedy, to approve VR-75-13. MOTION CARRIED unanimously (Casale not present), and so ordered.

SUBDIVISION FINAL PLAT APPROVAL

- S-75-5 Beckman Terrace. Gunter R. Dinger, applicant. Request for seven lots in R-7, Single Family Residential, zone on east side of Beckman Road approximately 1,150 feet north of Railroad Avenue (Tax Lots 100 and 200, T1S, R2E, Section 31BD)

Staff report, recommending approval with condition, was given by Tim Holder. It was stated that one lot included in the preliminary plat with an existing house

was excluded on the final plat, that a 15 foot corner radius would be added to the north intersection of Beckman Terrace and Beckman Road, and that DEQ had not yet approved the sanitary sewers regarding the amount of fill required. IT WAS MOVED by Kennedy, seconded by Marquette, to approve the final plat of S-75-5 subject to the approval of the Director of Public Works. MOTION CARRIED unanimously (Casale not present), and so ordered.

CORRESPONDENCE AND OTHER BUSINESS

- a) It was the CONSENSUS to keep the December meeting dates on December 9 and December 23.
- b) Copies of a publication entitled "Planning Program: City of Milwaukie, Oregon" were distributed for information.
- c) Copies of a memorandum dated October 23, 1975, from Dorothy E. Farrell and accompanying "Opinion" by Lee Johnson, Attorney General, in response to questions submitted by the Honorable Roger E. Martin, State Representative, regarding zoning and comprehensive plans were distributed for information.
- d) There was discussion on memorandum dated November 25, 1975, from staff regarding Open Space or Scenic Preservation Designation in the Comprehensive Plan. Cy Nims reported on the final draft of the Willamette Greenway Plan. IT WAS MOVED by Landis, seconded by Nickel, to initiate an amendment to the Design Review Ordinance to include requirements for design review for those areas in Open Space or Scenic Preservation designations. MOTION CARRIED unanimously (Casale not present), and so ordered.
- e) Memorandum dated November 25, 1975, from staff regarding proposed information required of applicants for conditional use and variances was postponed until December 9.
- f) Memorandum dated November 25, 1975, from staff regarding moratorium was distributed for information.
- g) Memorandum dated November 12, 1975, from Director of Public Works regarding street acceptance - Tract A, Waymire Addition, was postponed until December 9.
- h) Memorandum dated November 25, 1975, from staff regarding interpretation of Section 8.040. of the Zoning Ordinance was postponed until December 9.
- i) Discussion on Beaverton's Design Review process was postponed until December 9.
- j) Discussion of proposed development in Waverley Heights, no frontage on public street, topography, etc. was postponed until December 9.
- k) Discussion on Sign Ordinance, provisions for special events, flags, banners, etc. was postponed until December 9.
- l) Information concerning workshops sponsored by the American Institute of Landscape Architects on various aspects of Oregon's Land Use Law (ORS 197) was distributed.

(Meeting recessed at 7:53 p.m. and reconvened at 8:00 p.m. with all present but Casale.)

PUBLIC HEARINGS AND RELATED ITEMS

C-75-14 Milwaukie First Baptist Church, applicant. Request to construct a parking facility for an existing church in A-3, Apartment Residential, zone on the northwest corner of 42nd Avenue and Monroe Street (Tax Lots 3800 and 5500, T1S, R1E, Section 36AA)

Buffer Area Review. Parking lot in A-3, Apartment Residential, zone facing R-5, Single Family Residential, zone on the northwest corner of 42nd Avenue and Monroe Street

Public hearing opened at 8:03 p.m., with notices mailed as required. Staff report, recommending approval with conditions, was given by Tim Holder.

Correspondence in favor: Ardis Ward Sigris, owner of 4046 Monroe

Correspondence in opposition: Lena A. Califf, 4055 S. E. Monroe

(Louis Casale entered meeting - 8:10 p.m.)

Speaking in favor: Robert Hallwyler, representing applicant
Al Jarvis, 3722 S. E. Lincyntra
John Bennett, 10241 White Lake Road

Speaking in opposition: Mrs. William Tate, 1006 - 40th Avenue
Mrs. Frei, 4206 Monroe
E. L. Peters, 4135 Jackson

Questions raised: Richard Eichenlaub, 4136 Monroe
Mrs. William Tate, 1006 - 40th Avenue
Nick Michel, 4500 King Road
Jean Baker, 2607 Monroe

Rebuttal for the applicant was given by Robert Hallwyler, who stated the church would not object to a multiple use of the property. Hearing was declared closed at 8:30 p.m. IT WAS MOVED by Landis, seconded by Nickel, to approve C-75-14 in view of a demonstrated need to alleviate congestion and provide off-street parking, subject to the following conditions: 1) That curbs and sidewalk be provided by the applicant according to City standards on the west side of 42nd Avenue, connecting with the existing curbs and sidewalk on Monroe Street, as per the City Engineer's recommendation; 2) That the entire perimeter of the property be screened with 5 to 6 foot high vegetative screening, with the exception of the clear vision areas at the street intersection and service drive areas, which would be planted with low profile shrubs and ground cover; 3) That the Planning Commission recommends that the applicant explore the use of the parking lot during non-demand times for both parking uses, such as Park and Ride, and non-parking uses, such as recreation; and 4) That accommodation be made for one-way traffic flow on the parking lot. MOTION CARRIED unanimously (Casale abstaining) and so ordered.

(Meeting recessed at 8:40 p.m. and reconvened at 8:45 p.m. with all present.)

OLD BUSINESS

Consider revoking C-75-13, commercial recreation at 1928 Scott Street

Jim Huegli, attorney representing Ray Rathbone, manager of Tin Pan Alley,

requested that the Commission delay action on this matter for two weeks in order to adequately prepare a case. IT WAS MOVED by Nickel, seconded by Casale, to postpone this matter for two weeks. MOTION FAILED for lack of majority, with Landis, Casale and Nickel voting for; Marquette, Kennedy and Mesander voting against. This matter will be taken up according to the agenda order.

PUBLIC HEARINGS AND RELATED ITEMS, CONTINUED

C-75-15 Mike Monahan, applicant. Request to convert residence into a small office in A-3, Apartment Residential, zone on the southwest corner of King Road and 46th Avenue (Tax Lot 6900 and part of 7000, T1S, R2E, Section 30CC)

M-75-20 Mike Monahan, applicant. Request to transfer property in A-3, Apartment Residential, zone on the southwest corner of King Road and 46th Avenue (Tax Lots 6900 and 7000, T1S, R2E, Section 30CC)

Buffer Area Review. Office in A-3, Apartment Residential, zone facing R-7 and R-5, Single Family Residential, zones on the southwest corner of King Road and 46th Avenue

Public hearing opened at 9:00 p.m., with notices mailed as required. Staff report, recommending approval, was given by Tim Holder.

Speaking in favor: Ray Bartel, architect representing applicant

Questions raised: Clarence Benson, 10436 - 46th Avenue

Hearing was declared closed at 9:12 p.m. IT WAS MOVED by Landis, seconded by Nickle, to approve C-75-15, related minor land partition and buffer area as indicated on Exhibit A, the site plan submitted by the applicant. MOTION CARRIED unanimously, and so ordered.

C-75-16 James R. and Evelyn M. Morrison, applicant. Request to construct a duplex in R-10, Single Family Residential, zone on the east side of Boss Lane approximately 550 feet south of Lake Road (parts of Tax Lots 1800 and 1900, T2S, R1E, Section 1AA)

C-75-17 James R. and Evelyn M. Morrison, applicants. Request to construct a duplex in the R-10, Single Family Residential, zone approximately 190 feet east of Boss Lane approximately 550 feet south of Lake Road (parts of Tax Lots 1800 and 1900, T2S, R1E, Section 1AA)

It was the CONSENSUS to consider the duplexes in one hearing. Public hearings opened at 9:16 p.m., with notices mailed as required. Staff reports, recommending approval, were given by Tim Holder.

Speaking in favor: Evelyn Morrison, applicant

Speaking in opposition: Steve Yokota, 3740 Licyntra Lane
George Lopiparo, 12523 Boss Lane
Al Jarvis, 3722 Licyntra Lane
Robert Anderson, 3700 Licyntra Lane
Ernest Zanni, 3666 Licyntra Lane

Questions raised: Merv Henkes, 12535 Boss Lane

Rebuttal for the applicant was given by Evelyn Morrison. Hearing was declared closed at 9:45 p.m. According to the City Engineer, Boss Lane is a public road. In discussion, it was noted that the Planning Commission policy regarding no side by side duplexes means next to each other and does include back to back, and that the Comprehensive Plan says scattered two family units and that if they are visible they are not scattered. IT WAS MOVED by Nickel, seconded by Marquette, to deny C-75-16 and to approve C-75-17 for the following reasons: In light of the Planning Commission policy not to concentrate duplexes and to protect to the maximum extent the surrounding properties, scattered multi-family housing is a proposed use in conformance with the Comprehensive Plan, and the testimony of the applicant that the development of duplexes would not be out of line with the houses proposed for this site. MOTION CARRIED, with Kennedy voting against, and so ordered.

S-75-8 James R. and Evelyn M. Morrison, applicants. Request for preliminary plat approval of a 16 lot subdivision of approximately 4.86 acres on the east side of Boss Lane approximately 550 feet south of Lake Road (Tax Lots 1800, 1900, 2200, 2300 and 2400, T2S, R1E, Section 1AA)

Staff report, recommending approval, was given by Tim Holder. Mr. and Mrs. Morrison were present to answer questions regarding the preliminary plat. IT WAS MOVED by Kennedy, seconded by Casale, to approve the preliminary plat of S-75-8 subject to the approval of the Director of Public Works. MOTION CARRIED unanimously, and so ordered.

(Meeting recessed at 10:13 p.m. and reconvened at 10:23 p.m., with all present.)

Bike/Foot Way Plan, as an element of the Comprehensive Plan

Hearing opened at 10:23 p.m., with notice published for one week in the Milwaukie Review.

Speaking in favor: Pete Hinds, Chairperson of Bike/Foot Way Advisory Committee
Jean Baker, 2607 Monroe Street
Ted Havlicek, 1520 S. E. Eton Lane

Questions raised: Jean Baker, 2607 Monroe Street

No person appeared to speak in opposition. Hearing was declared closed at 10:32 p.m. IT WAS MOVED by Kennedy, seconded by Nickel, to recommend that the City Council adopt the general form of the Bike/Foot Way Plan to be considered a part of the revised Comprehensive Plan, that they proceed with implementation of the Plan on a high priority basis, that they provide for the continuation of the Bike Committee to aid in this implementation, that they examine funding matters and that provision be made for its periodic review and up-dating. MOTION CARRIED unanimously, and so ordered.

OLD BUSINESS

a) Consider revoking C-75-13, commercial recreation at 1928 Scott Street

Memorandum dated November 25, 1975, from staff and including memorandum dated

November 25, 1975

November 17, 1975, from the Chief of Police regarding complaints on Tin Pan Alley were previously distributed. Although not a public hearing, there were many in attendance regarding the issue, so the public hearing format was followed, with the City being the applicant (proposing revocation of conditional use permit) and the property owner being the opponent. Staff report, recommending revocation of C-75-13, was given by Tim Holder.

Correspondence in favor: Carl Dixon, Milwaukie Pastry Kitchen, 807 Main

Speaking in favor: Lesley Peake, Peake's Memorial Chapel, 1925 Scott
Dave Strauss, Kloster's Florist, 805 Main
Pat Bolander, Liquor Store Manager, 1926 Scott
Mrs. Johnson, Johnson's Paint, 813 Main Street

Speaking in opposition: Jim Huegli, attorney representing Ray Rathbone
(presented petition with 115 signatures opposing
the closure of Tin Pan Alley)
Ray Rathbone, Manager of Tin Pan Alley
Curtis King, 3325 Maple
Danny Daniels, 2943 S. E. Salmon, Portland

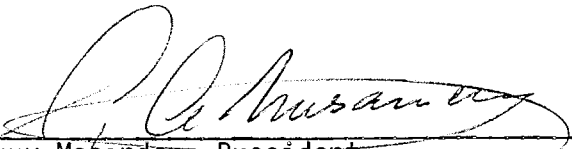
Questions raised: Dave Strauss, Kloster's Florist, 805 Main
Jim Huegli, attorney representing Ray Rathbone
Lesley Peake, Peake's Memorial Chapel, 1925 Scott
Danny Daniels, 2943 S. E. Salmon, Portland
Curtis King, 3325 Maple

IT WAS MOVED by Landis, seconded by Kennedy, to postpone a decision until the December 9 special meeting at 7:00 p.m. MOTION CARRIED unanimously, and so ordered. It was requested that the Police Report be clarified to indicate if an officer responded to a complaint and actually witnessed the alleged incidents.

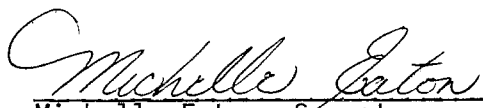
b) PD ordinance revisions will be discussed at the December 9 meeting.

c) Pedestrian access resolutions will be discussed at the December 9 meeting.

Meeting adjourned at 12:00 midnight.


Jerry Mesander, President

ATTEST:


Michelle Eaton, Secretary

Milwaukie City Planning Commission
REGULAR MEETING AGENDA
November 25, 1975

1. Call to order - 7:00 p.m.
Council Chambers, City Hall, 10722 S. E. Main Street
2. Minutes of October 28, 1975
3. Audience participation
4. VARIANCE REQUESTS AND RELATED ITEM

VR-75-10 White Sign Company, applicant. Century 21 Gold Carpet Realty, property owner. Request to erect free-standing sign in public right of way in C-C, Central Commercial, zone at 800 S. E. McLoughlin Blvd. (Tax Lot 500, T1S, R1E, Section 35AA)

Discussion on memorandum dated November 13, 1975, from City Attorney regarding clear vision hearings

VR-75-11 Erwin G. Nakath, applicant. Request for variance from clear vision area requirements in A-2, Apartment Residential, zone at southwest corner of 32nd and Balfour (Tax Lot 9300, T1S, R1E, Section 25CA)

VR-75-12 David S. Johnson, applicant. Request for variance from clear vision area requirements in R-7, Single Family Residential, zone on northeast corner of 35th and Lake Road (Tax Lot 10300, T1S, R1E, Section 36DB)

VR-75-13 Ronald G. Naff, applicant. The Robert Randall Company, property owner. Request for variance from Resolution PC-2-68 to construct 210 parking spaces 9 feet wide in C-L, Limited Commercial, zone on the northwest corner of Linwood and Railroad Avenues (Tax Lot 100, T1S, R2E, Section 31D)

5. PUBLIC HEARINGS AND RELATED ITEMS - 8:00 p.m.

C-75-14 Milwaukie First Baptist Church, applicant. Request to construct a parking facility for an existing church in A-3, Apartment Residential, zone on the northwest corner of 42nd Avenue and Monroe Street (Tax Lots 3800 and 5500, T1S, R1E, Section 36AA)

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C-75-15 Mike Monahan, applicant. Request to convert residence into a small office in A-3, Apartment Residential, zone on the southwest corner of King Road and 46th Avenue (Tax Lot 6900 and part of 7000, T1S, R2E, Section 30CC)

M-75-20 Mike Monahan, applicant. Request to transfer property in A-3, Apartment Residential, zone on the southwest corner of King Road and 46th Avenue (Tax Lots 6900 and 7000, T1S, R2E, Section 30CC)

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Bike/Foot Way Plan, as an element of the Comprehensive Plan

6. OLD BUSINESS

- a) Consider revoking C-75-13, commercial recreation at 1928 Scott Street (see memorandum dated November 25, 1975, from staff)
- b) PD Ordinance revisions (see memorandum dated November 19, 1975, from staff)

7. CORRESPONDENCE AND OTHER BUSINESS

- a) Memorandum dated November 25, 1975, from staff regarding Open Space or Scenic Preservation Designation in the Comprehensive Plan
- b) Memorandum dated November 25, 1975, from staff regarding proposed information required of applicants - conditional use and variance
- c) Memorandum dated November 25, 1975, from staff regarding moratorium
- d) Memorandum dated November 12, 1975, from Director of Public Works regarding street acceptance - Tract A, Waymire Addition
- e) Memorandum dated November 25, 1975, from staff regarding interpretation of Section 8.040 of the Zoning Ordinance
- f) Discussion on Beaverton's Design Review process
- g) Discussion of proposed development in Waverley Heights, no frontage on public street, topography, etc.
- h) Discussion on Sign Ordinance, provisions for special events, flags, banners, etc.