

CITY OF MILWAUKIE
MINUTES OF PLANNING COMMISSION
REGULAR MEETING
NOVEMBER 10, 1981

MEMBERS PRESENT:

DON TROTTER
TOM BOND
PATRICIA JAMTGAARD
REBECCA SWEETLAND
GEORGE CATHEY
BUB GUDGEL
Jim Lotz (ARRIVED LATE)

ALSO PRESENT:

TOPAZ FAULKNER, PLANNING DIRECTOR
JON STEIN, ASSOCIATE PLANNER
CAROL LEE, SECRETARY
STEVE HALL, PUBLIC WORKS DIRECTOR
LARRY CONRAD, PLANNING DEPARTMENT INTERN

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

3.1 A-81-3; ZC-81-6; PRC-81-2

Emil and Betty V. Rittenbach - Applicant and Property Owners,
12909 S.E. Vernie Avenue, Milwaukee

PROPOSAL:

1. Request to consider petition from Emil and Betty V. Rittenbach for annexation of property north of their home at 12909 S.E. Vernie Avenue, Tax Lot 501, to obtain City services.
2. Request to consider Comprehensive Plan Map Amendment from County Low-Density Residential to City Low-Density Residential.
3. Request to consider Zone Change from County R-7 to City R-10.

Jon Stein presented the Staff Report.

Mr. Bond asked which City services would be added if the property is annexed. Steve Hall said the area is currently being served by City water and sewer, and there is a City Council Resolution that states that any requests for new or additional City services will require annexation to the City. The new home is now under construction with a Clackamas County building permit, which is based on the same Building Code the City uses.

Mr. Trotter asked Staff if the application encompassed Tax Lots #500 and #501. Topaz said only Tax Lot #501 has been specified on the application.

Mr. Trotter asked, under what justification can the Commission recommend annexation of another lot (Lot #500) if the Applicant had not requested annexation to the City. Topaz explained that both parcels are owned by the same person, and the Commission has the authority to recommend to the Council any modifications necessary to an application.

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Mr. Trotter pointed out there is a discrepancy between the Assessor's Map and the City Address Map. Steve Hall said the most accurate map would be the Assessor's Map, and since the property is contiguous to City boundaries there would not be a problem with annexing these parcels even though Vernie Avenue is a county road.

APPLICANT'S RESPONSE:

SPEAKING: MS. EMIL RITTENBACH, 12909 S.E. Vernie Avenue, Milwaukie

Mr. Trotter asked Ms. Rittenbach if they concurred with the Staff's recommendation to annex both Tax Lots #500 and #501. Ms. Rittenbach said they would be perfectly willing to annex both lots.

Mr. Lotz asked if City Police patrols the area. Ms. Rittenbach said if they request patrol of the area the City Police does respond.

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

THE PUBLIC HEARING CLOSED AT 7:40 P.M.

Mr. Bond said he was in favor of approving the annexation because it would be a straightening of the City boundaries.

Mr. Gudgel made a MOTION TO APPROVE THE APPLICATION A-81-3; ZC-81-6; PRC-81-2 with the Findings and Recommendations as indicated in the Staff Report.

Ms. Jamtgaard Seconded the Motion. THE MOTION CARRIED UNANIMOUSLY. The application is to be revised to include both Tax Lots before the hearing with the City Council.

FINDINGS:

1. The proposed annexation would satisfy public need for additional housing.
2. The change will not adversely effect health, safety and welfare of the community.
3. The petition complies with the following elements of the Comprehensive Plan:
 - A. OBJECTIVE #2 - Residential Land Use: Density, Policy 2.A, Page 28.
 - B. OBJECTIVE #4 - Neighborhood Conservation, Policy #5, Page 31.
4. Annexing Tax Lots #500 and #501, would reduce the City Limit Boundary irregularity.

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3.2 VR-81-21; C-81-14

MILTON CEGLOWSKI - Applicant
DORIS YOUNG - Property Owner
10993 S.E. Oak Street, Milwaukie, Oregon

PROPOSAL:

Conditional Use and Variance Request to use an existing two-story, approximately 800 sq.ft. house as an office and construct a three-space parking lot with the following variances:

1. Parking space setback of 2'6" rather than minimum 4'6" from the east property line.
2. Access driveway width of 12' rather than minimum 20'.
3. Maneuvering aisle width of 20' rather than required 22' for 90° angle parking.

Jon Stein presented the Staff Report.

APPLICANT'S RESPONSE:

SPEAKING: HANZ HOERMAN, 4606 S.E. Division, Portland, Oregon
Representing the Applicant, Milton Ceglowski

Mr. Hoerman presented the Commission with a letter from Mr. Ceglowski authorizing him to testify in his behalf. Mr. Hoerman said the lot is quite unsightly and would be improved tremendously by the renovation and new landscaping. He asked the Commission to reconsider Staff's recommendation regarding the width of the driveway. It is his opinion that widening of the driveway to 15' would not provide a two-way access, nor would it be advantageous to the adjacent property. He also requested that the Commission reconsider the recommendation regarding curbing requirements.

Steve Hall stated the driveway would be designed to form a trough for water drainage, and curbing would not be a requirement.

Ms. Sweetland asked if any of the large trees would be removed due to the expansion of the driveway or parking lot. Steve said he had not viewed the sight and could not answer whether any trees would be removed or not.

SPEAKING: MS. JEANA COONA, 12016 Redwood Avenue, Milwaukie

Ms. Coona asked if the Fire Department would serve the property with access from Myrtle or Oak Street. Mr. Trotter said they would use access from Oak Street.

Mr. Gudgel asked why there was concern about access from Myrtle Street. The configuration of the property plainly indicates the most reasonable access to the residence is from Oak Street.

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Steve said the Ordinance requires that a business provide adequate parking, the only way this can be provided is with access from Myrtle Street.

THE PUBLIC HEARING CLOSED AT 8:00 P.M.

Mr. Trotter said he felt the purpose of the ucrbing by the parking lot would serve as a stop to halt traffic from approaching the Freeway.

Mr. Gudgel said the Commission should be directing their attention to a more appropriate variance of access from Oak Street with an extended driveway to the rear of the house and provide landscaping to the rest of the property.

Steve said that a driveway at the corner of Oak Street and Highway 224 would be extremely dangerous, and he would be opposed to access directly at the corner.

Ms. Jeana Coona mentioned that the State has already planted shrubbery along the end of Myrtle Street, which acts as a deterrent.

Topaz suggested the Applicant approach the property owner to the north investigating accessory use of that parking lot. Mr. Hoerman said that property is sufficient to provide parking only for that apartment complex, and would not be able to accommodate extra spaces for accessory use.

Mr. Bond made a MOTION TO APPROVE VR-81-21; C-81-14 as recommended by Staff with Findings and Conditions in Staff Report. Mr. Cathey Seconded the Motion.

Ms. Sweetland mentioned her concerns regarding an electric sign on the property interfering with the traffic signal at Oak Street and Highway 224.

Ms. Jamtgaard said since the sign would be placed on the property facing Highway 224 it would not pose a problem.

Mr. Trotter suggested that Staff review the proposed location of the sign.

Mr. Bond said as a point of clarification the Motion did not include the installation of curbing along the driveway.

Ms. Sweetland made a Motion to Amend the Main Motion, to allow three parking spaces instead of four, two at the rear of the house, and one in the existing driveway, which would save the big tree in the front yard. Mr. Trotter Seconded the Motion.

The Amendment to the Main Motion Carried 5 - 2. Mr. Bond and Mr. Gudgel voting in opposition. THE MAIN MOTION CARRIED 5-2, Mr. Bond and Mr. Gudgel voting in opposition.

The Meeting recessed at 9:45 P.M.

Mr. Bond left the meeting at the recess. The Meeting reconvened at 10:00 P.M.

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Mr. Cathey Made a Motion to reconsider the application of Milton Ceglowski, VR-81-21; C-81-14, Mr. Lotz Seconded the Motion. THE MOTION CARRIED 5 - 1.

The Commissioners continued the discussion of the MAIN MOTION.

Mr. Cathey suggested alternative parking spaces be located on the 20' Myrtle Street frontage. This would decrease traffic hazards, and eliminate the need for excessive asphalt paving.

In response to a question from Mr. Trotter, Topaz stated the variance dimensions would be redetermined and sidewalk would be required for access to the residence from the parking spaces.

Mr. Cathey made a MOTION TO APPROVE C-81-14; VR-81-21 with Planning Commission Alternative #1, allowing two parking spaces on Myrtle Street and the third parking space at the existing location, with the five Conditions and revised Findings of the Staff Report. THE MOTION CARRIED 6 - 0. Staff will consult with the Applicant to determine setback requirements and parking dimensions.

FINDINGS:

1. The proposed use with conditions complies with the following elements of the Comprehensive Plan:
 - A. OBJECTIVE #2 - Employment Opportunity, Policies #1 & #2, Page 36.
 - B. OBJECTIVE #1 - Land Use, Page 82.
2. The property configuration, location and house site are unique conditions.
3. The one parking space in front of the house and two on Myrtle Street constitute an adequate number of parking spaces.
4. A variance is granted to the provisions of Section 5.03.8 to allow the location of two parking spaces on the west end of the lot adjoining Myrtle Street.
5. The Variance is the minimum necessary.
6. Benefits outweigh adverse impacts.
7. The property will be significantly upgraded.
8. Additional landscaping and fencing along the east property line will reduce visual impacts.
9. Emergency vehicle access is adequate from Oak Street.
10. The property is better suited for an office.

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CONDITIONS: (C-81-14; VR-81-21)

1. Provide fence screening along length of east property line.
2. Submit landscape plan showing a variety of landscape materials to be approved by Staff.
3. Bark dust total not more than 25% of the landscaped area; to be confined to landscaped beds.
4. Shield security lighting and signs from adjacent residences.
5. Sign details to be approved by Staff.

5.1 S-80-2 HENRY TAMBARA - Applicant and Property Owner
5505 Firwood Street, Milwaukie
9310 55th Avenue, Milwaukie

PROPOSAL:

Request for Final Plat Approval of proposed nine-lot subdivision.

Mr. Lotz made a MOTION TO APPROVE FINAL PLAT S-80-2, Mr. Gudgel Seconded the Motion. THE MOTION CARRIED UNANIMOUSLY.

5.3 KELLOGG LAKE PROPERTY PRESENTATION

Ms. Sweetland withdrew herself from the panel because of conflict of interest. Topaz presented the concerns of the Friends of Kellogg Lake, a group composed primarily of persons owning property surrounding the Lake. She presented a map of the area, pointed out the railroad property, and explained that the group is interested in acquiring an easement from the railroad company to allow public access to the Lake. The group is requesting that the Commission recommend to the City Council investigation of possible easement agreements for public access. She mentioned that Tim Holder had been working with the group to form future plans for the area.

Mildred Kerr, representing the Friends of Kellogg Lake, made several comments on their request for public easement access. She mentioned, at one time the railroad company had granted an easement for a footbridge at the site.

Mr. Cathey mentioned that the same easement may be still be active.

M. Lotz asked if there had been any investigation of records for a granted easement either with the County or the City of Milwaukie, and was told by Topaz that there had not been.

Mr. Gudgel said he agreed there should be pedestrian access both the Lake and a bridge to the Island Station area, which would eliminate pedestrians using the railroad tressel. He suggested an exchange of easements with the railroad company

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and the City of Milwaukie through the renewal of existing franchises with the railroad company. Mr. Trotter added that a bridge linking the Lake with Spring Park would aid the City's riverfront development.

Mr. Lotz made a MOTION TO RECOMMEND TO THE CITY COUNCIL TO PURSUE INVESTIGATION OF PRIOR GRANTED EASEMENT'S, DURATION AND CONDITIONS FOR FUTURE EASEMENTS OF THE PROPERTY ACROSS KELLOGG LAKE. The Motion was Seconded by George Cathey. THE MOTION CARRIED UNANIMOUSLY.

5.2 COMPILATION OF AMENDMENTS TO THE ZONING ORDINANCE

Topaz explained the Commission would only be considering proposed Amendments to the Zoning Ordinance, a public hearing would be held on December 8, before recommendations are made to the Council. Topaz described the amendment that is needed to insure Comprehensive Plan and Zoning Map consistency and the procedure involved to re-establish a Design Review Board, as requested by the Commission.

Mr. Trotter suggested that discussion of the appeals procedure be postponed until the November 24, Planning Commission Meeting. Mr. Trotter asked to have Mr. Eades attend that meeting.

6.0 CONSENT AGENDA

6.1 PLANNING COMMISSION MEETING MINUTES - OCTOBER 13, 1981

Ms. Sweetland mentioned the Minutes did not indicate that she had left the meeting during the recess.

6.2 CITY COUNCIL MEETING MINUTES - OCTOBER 20, 1981

The Minutes were approved; Mr. Cathey mentioned the City had elected Wally Bischoff, as the new City Council Member.

7.0 OLD BUSINESS

7.1 COMMISSION JOB DESCRIPTION

Mr. Trotter mentioned Staff was to present the Commission with a detailed report of what the Ordinance states regarding the Planning Commission's functions.

8.2 PUBLIC MARKET INFORMATION

Topaz explained the efforts to initiate a Saturday Market in downtown Milwaukie, and presented the Milwaukie Business Association's proposal, which will go next to the City Council and then to the Portland Saturday Market Board for approval. The recommendation from Portland Saturday Market Staff is to hold the market not more than six times during the first year. The proposal includes four dates: May 1, July 4, September's Back-To-School Sale, and Halloween.

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8.3 DOWNTOWN BUSINESS SURVEY SUMMARY

Topaz reviewed the survey and explained that it will be the basis for further studies. Mr. Trotter said he questioned the validity of the comment made by many Milwaukie businesses regarding the lack of parking. Many businesses in downtown Milwaukie allow their employees to park directly in front of their own stores. Mr. Trotter suggested that alternative parking be proposed to encourage employees in the downtown area to yield these parking spaces to customers.

Mr. Trotter mentioned the Commission is invited to attend the open house of the newly opened Milwaukie Birthing Center on November 19, at 8 P.M.

Topaz noted that the new management reorganization proposal will be presented on November 17, and Commissioners are invited.

THE MEETING ADJOURNED AT ^{11:00} 10:00 P.M.

AGENDA

MILWAUKIE PLANNING COMMISSION

REGULAR MEETING

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1.0 CALL TO ORDER

2.0 PROCEDURAL QUESTIONS

3.0 PUBLIC HEARINGS

3.1 A-81-3; ZC-81-6; PRC-81-2
EMIL AND BETTY V. RITTENBACH - Applicant and Property Owners
12909 S.E. Vernie Avenue, Milwaukie
PROPOSAL:

1. Request to consider petition from Emil and Betty V. Rittenbach for annexation of property north of their home at 12909 S.E. Vernie Avenue, Tax Lot 501, to obtain City services.
2. Request to consider zone change from County R-7 to City R-10
3. Request to consider Comprehensive Plan Map Amendment from County Low-Density Residential to City Low-Density Residential.

3.2 VR-81-21; C-81-14
MILTON CEGLOWSKI - Applicant
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4.0 PUBLIC COMMENT

5.0 CONSIDERATION

5.1 S-80-2

HENRY TAMBARA - Applicant and Property Owner
5505 Firwood Street, Milwaukie
9310 55th Avenue, Milwaukie
PROPOSAL:

Request for Final Plat Approval of proposed nine-lot subdivision.

5.2 COMPILATION OF AMENDMENTS OF ZONING ORDINANCE

5.3 KELLOGG LAKE

6.0 CONSENT AGENDA

7.0 OLD BUSINESS

7.1 COMMISSION JOB DESCRIPTION

8.0 OTHER BUSINESS

8.1 PUBLIC MARKET INFORMATION

8.2 DOWNTOWN SURVEY SUMMARY