



PLANNING DEPARTMENT
6101 SE Johnson Creek Blvd
Milwaukie OR 97206

PHONE: 503-786-7630
FAX: 503-774-8236
E-MAIL: planning@ci.milwaukie.or.us

Application for Land Use Action

Master File #: VP-11-02

Review type*: I II III IV V

CHECK ALL APPLICATION TYPES THAT APPLY:		
<input type="checkbox"/> Amendment to Maps and/or Ordinances: <input type="checkbox"/> Comprehensive Plan Text Amendment <input type="checkbox"/> Comprehensive Plan Map Amendment <input type="checkbox"/> Zoning Text Amendment <input type="checkbox"/> Zoning Map Amendment <input type="checkbox"/> Code Interpretation <input type="checkbox"/> Community Service Use <input type="checkbox"/> Conditional Use <input type="checkbox"/> Development Review <input type="checkbox"/> Director Determination <input type="checkbox"/> Downtown Design Review <input type="checkbox"/> Extension to Expiring Approval <input type="checkbox"/> Habitat Conservation Area Review <input type="checkbox"/> Historic Resource: <input type="checkbox"/> Alteration <input type="checkbox"/> Demolition <input type="checkbox"/> Status Designation <input type="checkbox"/> Status Deletion	<input type="checkbox"/> Land Division: <input type="checkbox"/> Final Plat <input type="checkbox"/> Lot Consolidation <input type="checkbox"/> Partition <input type="checkbox"/> Property Line Adjustment <input type="checkbox"/> Replat <input type="checkbox"/> Subdivision <input type="checkbox"/> Miscellaneous: <input type="checkbox"/> Barbed Wire Fencing <input type="checkbox"/> Bee Colony <input type="checkbox"/> Multifamily Recycling Area <input type="checkbox"/> Mixed Use Overlay Review <input type="checkbox"/> Modification to Existing Approval <input type="checkbox"/> Nonconforming Use Alteration <input type="checkbox"/> Parking: <input type="checkbox"/> Quantity Determination <input type="checkbox"/> Quantity Modification <input type="checkbox"/> Shared Parking <input type="checkbox"/> Structured Parking <input type="checkbox"/> Planned Development	<input type="checkbox"/> Residential Dwelling: <input type="checkbox"/> Accessory Dwelling Unit (Type 1) <input type="checkbox"/> Accessory Dwelling Unit (Type 2) <input type="checkbox"/> Manufactured Dwelling Park <input type="checkbox"/> Temporary Dwelling Unit <input type="checkbox"/> Sign Review <input type="checkbox"/> Transportation Facilities Review <input checked="" type="checkbox"/> Variance: <input type="checkbox"/> Use Exception <input checked="" type="checkbox"/> Variance <input type="checkbox"/> Water Quality Resource Review <input type="checkbox"/> Willamette Greenway Review <input type="checkbox"/> Other: _____ Use separate application forms for: <ul style="list-style-type: none"> • Annexation and/or Boundary Change • Compensation for Reduction in Property Value (Measure 37) • Daily Display Sign • Appeal

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant—see reverse): <u>JEFF CHAPMAN, MCDONALD'S CORPORATION</u>	
Mailing address: <u>12131 113TH AVE NE, SUITE 103, KIRKLAND, WA</u> Zip: <u>98034</u>	
Phone(s): <u>(425) 242-2421</u>	E-mail: <u>JEFF.CHAPMAN@US.MCD.COM</u>
APPLICANT'S REPRESENTATIVE (if different than above): <u>KATIE MCGOUGH, FREIHEIT + HOARCHITECTS INC., P.S., P.C.</u>	
Mailing address: <u>5209 LAKE WASHINGTON BLVD NE, STE. 200, KIRKLAND, WA</u> Zip: <u>98033</u>	
Phone(s): <u>(425) 827-2100</u>	E-mail: <u>K.MCGOUGH@FHARCH.COM</u>

SITE INFORMATION:

Address: <u>10907 SE OAK ST</u>	Map & Tax Lot(s): <u>11E36AC 11201</u>
Comprehensive Plan Designation: <u>C-CS</u> Zoning: <u>C-CS</u> Size of property: <u>47,130 SQ. FT.</u>	

PROPOSAL (describe briefly):

<u>CASH BOOTH ADDITION OF 63 SQ. FT. TO OPTIMIZE THE DRIVE-THRU</u>
<u>WILL REQUIRE A MINOR CHANGE IN THE SETBACK OF 2'-8" AT HWY. 224.</u>

SIGNATURE:

ATTEST: I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code (MMC) Subsection 19.1001.6.A. If required, I have attached written authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate.	
Submitted by: 	Date: <u>12.19.11</u>

IMPORTANT INFORMATION ON REVERSE SIDE

*For multiple applications, this is based on the highest required review type. See MMC Subsection 19.1001.6.B.1.

WHO IS ELIGIBLE TO SUBMIT A LAND USE APPLICATION (excerpted from MMC Subsection 19.1001.6.A):

Type I, II, III, and IV applications may be initiated by the property owner or contract purchaser of the subject property, any person authorized in writing to represent the property owner or contract purchaser, and any agency that has statutory rights of eminent domain for projects they have the authority to construct.

Type V applications may be initiated by any individual.

PREAPPLICATION CONFERENCE:

A preapplication conference may be required or desirable prior to submitting this application. Please discuss with Planning staff.

REVIEW TYPES:

This application will be processed per the assigned review type, as described in the following sections of the Milwaukee Municipal Code:

- Type I: Section 19.1004
- Type II: Section 19.1005
- Type III: Section 19.1006
- Type IV: Section 19.1007
- Type V: Section 19.1008

THIS SECTION FOR OFFICE USE ONLY:

FILE TYPE	FILE NUMBER	FEE AMOUNT*	PERCENT DISCOUNT	DISCOUNT TYPE	DEPOSIT AMOUNT	DATE STAMP
Master file	VF-11-02	\$ 900			\$	RECEIVED DEC 28 2011 CITY OF MILWAUKEE PLANNING DEPARTMENT
Concurrent application files		\$			\$	
		\$			\$	
		\$			\$	
		\$			\$	
SUBTOTALS		\$ 900			\$	

TOTAL AMOUNT RECEIVED: \$ 900 **RECEIPT #:** **RCD BY:**

Associated application file #s (appeals, modifications, previous approvals, etc.): DEV-11-06

Neighborhood District Association(s): —

Notes:

*After discount (if any)



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For all Land Use Applications
(except Annexations and Development Review)

Submittal Requirements

All land use applications must be accompanied by a signed copy of this form (see reverse for signature block) and the information listed below. The information submitted must be sufficiently detailed and specific to the proposal to allow for adequate review. Failure to submit this information may result in the application being deemed incomplete per the Milwaukie Municipal Code (MMC) and Oregon Revised Statutes.

Contact Milwaukie Planning staff at 503-786-7630 or planning@ci.milwaukie.or.us for assistance with Milwaukie's land use application requirements.

1. **All required land use application forms and fees**, including any deposits.
Applications without the required application forms and fees will not be accepted.
2. **Proof of ownership or eligibility to initiate application** per MMC Subsection 19.1001.6.A.
Where written authorization is required, applications without written authorization will not be accepted.
3. **Detailed and comprehensive description** of all existing and proposed uses and structures, including a summary of all information contained in any site plans.
Depending upon the development being proposed, the description may need to include both a written and graphic component such as elevation drawings, 3-D models, photo simulations, etc. Where subjective aspects of the height and mass of the proposed development will be evaluated at a public hearing, temporary on-site "story pole" installations, and photographic representations thereof, may be required at the time of application submittal or prior to the public hearing.
4. **Detailed statement** that demonstrates how the proposal meets all applicable application-specific approval criteria (check with staff) and all applicable development standards (listed below):
 - a. **Base zone standards** in Chapter 19.300.
 - b. **Overlay zone standards** in Chapter 19.400.
 - c. **Supplementary development regulations** in Chapter 19.500.
 - d. **Off-street parking and loading standards and requirements** in Chapter 19.600.
 - e. **Public facility standards and requirements**, including any required street improvements, in Chapter 19.700.
5. **Site plan(s), preliminary plat, or final plat** as appropriate.
See Site Plan, Preliminary Plat, and Final Plat Requirements for guidance.
6. **Copy of valid preapplication conference report**, when a conference was required.

APPLICATION PREPARATION REQUIREMENTS:

- Five copies of all application materials are required at the time of submittal. Staff will determine how many additional copies are required, if any, once the application has been reviewed for completeness.
- All application materials larger than 8½ x 11 in. must be folded and be able to fit into a 10- x 13-in. or 12- x 16-in. mailing envelope.
- All application materials must be collated, including large format plans or graphics.

ADDITIONAL INFORMATION:

- Neighborhood District Associations (NDAs) and their associated Land Use Committees (LUCs) are important parts of Milwaukie's land use process. The City will provide a review copy of your application to the LUC for the subject property. They may contact you or you may wish to contact them. Applicants are strongly encouraged to present their proposal to all applicable NDAs prior to the submittal of a land use application and, where presented, to submit minutes from all such meetings. NDA information: <http://www.ci.milwaukie.or.us/communityservices/neighborhoods-program>.
- Submittal of a full or partial electronic copy of all application materials is strongly encouraged.

As the authorized applicant I, (print name) JEFF CHAPMAN, attest that all required application materials have been submitted in accordance with City of Milwaukie requirements. I understand that any omission of required items or lack of sufficient detail may constitute grounds for a determination that the application is incomplete per MMC Subsection 19.1003.3 and Oregon Revised Statutes 227.178. I understand that review of the application may be delayed if it is deemed incomplete.

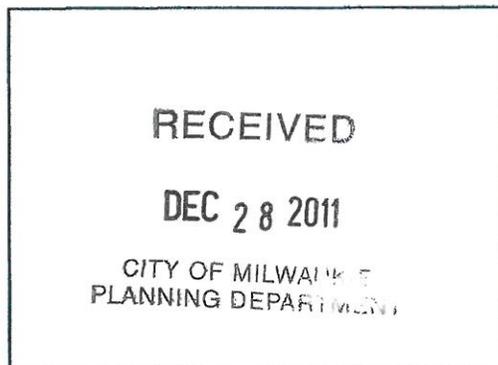
Furthermore, I understand that, if the application triggers the City's sign-posting requirements, I will be required to post signs on the site for a specified period of time. I also understand that I will be required to provide the City with an affidavit of posting prior to issuance of any decision on this application.

Applicant Signature: 

Date: 12.19.11

Official Use Only

Date Received (date stamp below):



Received by: 

Katie McGough

From: Alligood, Li [AlligoodL@ci.milwaukie.or.us]
Sent: Tuesday, December 20, 2011 8:56 AM
To: Katie McGough
Cc: Jamie Love; Mangle, Katie
Subject: RE: 10907 SE Oak St development review

Hello Katie,

I spoke with the Planning Director, Katie Mangle, and she is willing to waive the pre-application conference requirement for the reasons you noted. This e-mail serves as that waiver.

Please submit the following for review of the Type II Variance Request (VR):

- Fee of \$900
- Land use application: <http://www.ci.milwaukie.or.us/planning/land-use-application>
- Submittal Requirements form: <http://www.ci.milwaukie.or.us/planning/submittal-requirements>

Thanks,

Li Alligood
Assistant Planner
City of Milwaukie Planning Department
6101 SE Johnson Creek Blvd
Milwaukie, OR 97206
P 503-786-7627
F 503-774-8236
alligoodl@ci.milwaukie.or.us

From: Katie McGough [mailto:KMcGough@FHOARCH.COM]
Sent: Tuesday, December 20, 2011 8:11 AM
To: Alligood, Li
Cc: Jamie Love
Subject: RE: 10907 SE Oak St development review

Li –

We have decided to move forward with the Type II Variance. Because we have already submitted for Building + Type I Development Review and our proposal is not complex in that we are only asking to move the Hwy 224 setback from 30' to 26.5', we would like to request that the pre-application conference be waived. What is the process we need to follow for this? Thanks,

Katie

KATIE MCGOUGH
LEED ^{AP BD+C}

Freiheit & Ho Architects, Inc., P.S.
5209 Lake Washington Blvd. NE | Suite 200 | Kirkland, WA | 98033
t. 425 827.2100
f. 425 828.6899
e: kmcgough@fhoarch.com
www.fhoarch.com

McDonald's Restaurant Arcade Conversion

10970 SE Oak St, Milwaukie, OR

Type II Variance Request

Project Narrative

Currently, there is an existing McDonald's restaurant on this site, however, the building is old and outdated. The objective of this remodel is to neutralize the mansard roof and update the exterior materials on the building to provide a clean, modern look while also optimizing the existing drive-thru with a 63 sq. ft. cash booth addition. The size and location of the new cash booth creates more efficient stacking within the drive-thru. A Type II Variance is requested to allow for a 27'-4" setback at Highway 224, with a maximum difference of 2'-8" from the required 30' setback. Per Milwaukie Municipal Code Section 19.911.3.B.2, a Type II Variance is allowed for up to 25% to a rear yard width standard. The proposed variance is well within this allowance and has a very minor distance of intrusion.

The orientation of the building will remain relative to SE Oak St. The building will maintain the existing relationship to the existing shared access with no change. There will be no change in use, utilities or site lighting. Accessibility upgrades will be made to the site, dining, and restrooms.

Overall, the proposed changes to the existing McDonald's restaurant will provide an updated building with a more contemporary design and a more efficient drive-thru. The proposed changes meet the code criteria explained below.

Development Standards

Chapter 19.300 Base Zone Standards

19.314 Community Shopping Commercial Zone C-CS

19.314.1 – Uses

Existing eating & drinking establishment within a shopping center to remain.

19.314.2 – Scale

No changes to existing lot scale within shopping center.

19.314.3 Application Review; Minimum Requirements

Not applicable – not a new development.

19.314.4 Criteria For Approval

A. It complies with the application requirements under Subsection 19.314.3 above.

See above.

B. It meets the scale requirements of Subsection 19.314.2 above.



See above.

C. It meets the use requirements of Subsection 19.314.1 above.

See above.

D. It meets the development standards of Subsection 19.314.5 below. **See below.**

E. The site plan and building orientation/ design shall address the following guidelines:

1. Create an aesthetically pleasing development by the use of quality materials and the arrangement of buildings, landscaping and parking.

All parking and landscaping existing to remain. Existing brick to remain with new cast stone accents & metal accent panel at parapet.

2. Relate functionally to the site, surroundings and internally.

Building placement existing to remain.

3. Be designed to maximize safety and convenience, for the motorist and pedestrian.

ADA upgrades to site to maximize safety and convenience.

4. Be designed to consider crime prevention techniques.

Building placement existing to remain.

5. Signs shall be integrated into the design of the center.

Site signs existing to remain, new drive-thru signage to incorporate more with new building design.

19.314.5 Development Standards

A. Setbacks (Minimum) from Property Line

All setbacks existing to remain.

B. Heights (maximum)

3 stories or 45 ft., whichever is less.

New parapet height to reach 19'3", one story.

C. Access

All existing access points existing to remain.

D. Landscaping

All landscaping design existing to remain.

E. Utilities

All utilities existing to remain.

F. Transit

Reserve areas for transit facilities (bus turnout, shelter, benches, station, etc.) for the use of mass transit if requested by TriMet in their review of the project as specified in Chapter 19.700.

G. Public Facilities

All public facilities existing to remain.

H. Parking requirements of Chapter 19.600

See below.

I. Design Standards

1. Roof-mounted mechanical equipment shall be screened from view.

Roof-mounted mechanical equipment will be further screened from view with the new parapet roof.

2. Loading and delivery areas should be separated from parking and pedestrian areas.

Parking layout to remain.

3. A minimum of 80% of the floor space shall be designed as an enclosed mall (where access from one store to another is possible without walking outside). Alternatively, a

pedestrian walkway covering is permitted, if designed to shelter pedestrians from inclement weather.

Existing shopping center.

4. Outdoor trash or delivery areas are screened from the public's view.

Existing trash corral to remain.

Chapter 19.400 Overlay Zone Standards

Existing site not within any overly zones.

Chapter 19.500 Supplementary Development Regulations

19.501 General Exceptions

Existing site and building location to remain.

19.502 Accessory Structures

Not applicable.

19.503 Accessory Uses

Not applicable.

19.504 Site Design Standards

19.504.1 Clear Vision Areas

Existing site to remain.

19.504.2 Maintenance of Minimum Ordinance Requirements

Existing lot area, yard, and off-street parking to remain.

19.504.3 Dual Use of Required Open Space

Existing lot area, yard, and off-street parking to remain.

19.504.4 Buildings on the Same Lot

Existing building location to remain.

19.504.5 Distance from Property Line

Existing building location to remain.

19.504.6 Transition Area Measures

Property adjacent to same C-CS zone.

19.504.7 Minimum Vegetation

Existing vegetation to remain.

19.504.8 Multifamily Recycling Requirements

Not applicable.

19.504.9 Flag Lot Design and Development Standards

Not applicable.

19.504.10 On-Site Walkways and Circulation

ADA upgrades on site to improve on-site walkways and circulation.

19.504.11 Setbacks Adjacent to Transit

Existing commercial building to remain.

19.505 Building Design Standards

19.505.1 Design Standards for Single-Family Dwellings

Not applicable.

19.505.2 Building Orientation to Transit

Existing commercial building to remain.

19.506 Manufactured Dwelling Siting and Design Standards

Not applicable.

Not applicable.

Chapter 19.600 Off-Street Parking and Loading Standards and Requirements

19.602 Applicability

19.602.2 Maintenance Applicability

Current parking in conformance with the standards of Chapter 19.600.

19.602.5 Improvements to Existing Off-Street Parking and Loading Areas

C. Areas of Required Improvement

1. Paving and striping of parking areas, per Subsection 19.606.3.A.

Repaving and striping per site plan.

2. Minimum required vehicle parking spaces, per Section 19.605.

Existing conforming parking to remain.

3. Minimum required bicycle parking spaces, per Section 19.609.

Existing conforming bicycle parking to remain.

4. Landscaping or existing buffers, islands, and medians, as applicable, per Subsection 19.606.2D.

Existing landscaping and islands to remain.

5. New perimeter landscape buffers, islands, and medians, as applicable, per Subsection 19.606.2.E.

Existing landscaping and islands to remain.

6. Other applicable standards within Chapter 19.600, as determined by the Planning Director.

Existing conforming parking to remain.

19.604 General Parking Standards

Parking area location existing to remain.

19.605 Vehicle Parking Quantity Requirements

Existing conforming parking to remain.

19.606 Parking Area Design and Landscaping

Existing parking area design and landscaping to remain.

19.609 Bicycle Parking

Existing conforming bicycle parking to remain.

Chapter 19.700 Public Facility Standards and Requirements

19.702 Applicability

19.702.1 General

E. Modification or expansion of an existing structure (including single-family residential expansions as described in Subsection 19.702.2) or a change or intensification in use that results in any one of the following:

2. Any increase in gross floor area.

Per Brad Albert at City of Milwaukie Engineering Department, no Traffic Impact Study will be required.

Chapter 19.911 Variances

19.911.3 Review Process

B. Type II Variances

Type II variances allow for limited variations to numerical standards.

This cash booth addition will require a variance of 9.1% (a reduction of 2'-8") to the Highway 224 setback of 30 feet.

19.911.4 Approval Criteria

A. Type II Variances

An application for a Type II variance shall be approved when all of the following criteria have been met:

1. The proposed variance, or cumulative effect of multiple variances, will not be detrimental to surrounding properties, natural resource areas, or public health, safety, or welfare.

The proposed 63 sq. ft. cash booth addition location is attached to the rear of the existing building within the existing drive-thru and will not affect any of the surrounding properties, natural resource areas, or public health, safety, or welfare. The cash booth addition will make the drive-thru a more efficient operation.

2. The proposed variance will not interfere with planned future improvements to any public transportation facility or utility identified in an officially adopted plan such as the Transportation System Plan or Water Master Plan.

The cash booth addition is proposed between the existing building and the existing drive-thru and will not affect any Transportation System or Water Master Plans.

3. Where site improvements already exist, the proposed variance will sustain the integrity of, or enhance, an existing building or site design.

The cash booth addition will enhance the existing site and building design by optimizing the drive-thru stacking and ordering points to aid the flow of traffic on site.

4. Impacts from the proposed variance will be mitigated to the extent practicable.

This variance allows for the minimum 63 sq. ft. necessary for a cash booth addition in order to aid traffic flow on site and allow for more efficient stacking within the drive-thru.