



To: Planning Commission

Through: Steve Butler, Planning Director

From: Ryan Marquardt, Senior Planner
Matt Hastie, Angelo Planning Group
Serah Breakstone, Angelo Planning Group

Date: February 6, 2013, for February 12, 2013, Worksession

Subject: Tacoma Station Area Plan – Briefing #3 Supplemental Materials

ACTION REQUESTED

None. This is a briefing for discussion only.

BACKGROUND INFORMATION

This is a supplemental packet to the materials provided to the Planning Commission for their meeting on February 12, 2012. The project consultants, Angelo Planning Group (APG), will present the Planning Commission with an overview of the plan for the station area and the zoning amendments and recommended transportation improvements associate with the plan.

ZONING AMENDMENTS IN THE TACOMA STATION AREA PLAN

The overall land use plan for the Tacoma Station Area Plan (TSAP) is illustrated by the maps in Attachment 1. These show the preferred land use scenario, proposed subareas, and recommended transportation projects for the station area. Many of the land use policies recommended in the TSAP will be implemented through amendments to the Milwaukie Zoning Ordinance. The contents of the proposed amendments are presented in this section.

A. Manufacturing zone amendments

One of the preliminary steps in this planning process was to draft recommended amendments to the city's Manufacturing (M) zone to address existing deficiencies and support implementation of the TSAP. The draft amendments are provided in a memo

dated May 7, 2012 (see Attachment 2). Generally, the draft amendments recommend the following:

- A new list of permitted use categories to replace the more specific list in the current code. The draft amendments eliminate existing language that allows ~~any~~ combination of manufacturing, office, and/or commercial uses...when at least 25% of the total project involves an industrial use...”
- Retail and office uses are allowed only as accessory uses to the primary allowed uses. Language includes size limitations on retail and office space that do not exist in the current code.
- New development standards to regulate outdoor storage uses, location of parking and loading areas, external effects and mechanical equipment.
- A placeholder for the existing density standard of 10 employees per acre if the city opts to retain this requirement. If so, additional language will be needed to clarify how the density standard is applied, defined and enforced.
- New transition area standards that address additional building setbacks and screening in proximity to adjacent residential uses that are similar to those found in Chapter 19.504.6.

The most relevant of the above recommended amendments are those that pertain to allowed uses in the M zone and the employment density standard. The current code allows up to 75% of a ~~project~~ to be non-manufacturing uses and only limits the size of retail uses in those areas that are designated ~~“Employment”~~ or ~~“Industrial”~~ areas as shown on the Comprehensive Plan Title 4 Lands Map (which does not apply in the station area). The recommended amendments significantly limit the amount of non-manufacturing uses allowed in the zone by requiring that retail, commercial and office uses be accessory to a primary permitted use. The amendment language also limits ~~retail commercial and professional service~~ uses to a total of 20,000 square feet per project.

The approach taken with the M Zone amendment will impact how the Station Area Overlay zone is drafted. For example, the overlay zone is likely to provide for greater flexibility in terms of allowed non-industrial uses in certain portions of the overlay zone. But since it is applied as an overlay to the base M zone, the base zone requirements will affect the more specific, alternative requirements in the overlay zone.

B. Station Area Overlay Zone

The Station Area Plan recommends creation of an overlay zone (Tacoma Station Area Overlay) as the primary implementation tool for the plan. Generally, the overlay would encourage a more intensified mix of employment uses within the Station Area, along with some residential uses in appropriate areas. The recommended overlay boundary would be the same as the Study Area boundary (see Attachment 1) and would consist of four subareas established on the basis of intended mix of uses and characteristics. The overlay zone would apply on top of the base zone, which would remain Manufacturing (M). All the standards and requirements of the M zone would apply, in addition to the standards and requirements of the overlay. If conflicts occurred between the two, the overlay zone would prevail.

The overlay zone would contain a comprehensive set of provisions to regulate development in the Station Area, including the following:

- Purpose and applicability
- Nonconforming situations
- Parking requirements
- Review process

For each subarea, the overlay would include the following provisions:

- Boundary and description
- Intent and characteristics
- Permitted uses
- Development and design standards

See the overlay zone outline provided in Attachment 3 for more detail.

KEY POLICY QUESTIONS

Key issues on which staff and APG would like Planning Commission's input are explained in this section.

A. M-Zone amendments and TSAP Overlay

A key assumption in implementation of the TSAP through zoning is that the study area would retain a base zone designation of M, the M zone applied to this area would be amended, and much of the vision from the station area plan would be implemented through an overlay zone.

There are two geographic areas of the city that have the Manufacturing (M) zone designation: the North Industrial Area, which includes the Tacoma Station Area, and the Johnson Creek Industrial Area, which generally applies to lots along SE Johnson Creek Blvd from about SE 43rd Ave to SE Linwood.

The proposed M zone amendments have been discussed in context of the North Industrial Area and associated plan for the Tacoma Station Area. These amendments would resolve several issues with the existing M zone by clarifying and better describing the uses allowed within the M zone. However, the TSAP project has not conducted extensive outreach to the property owners or businesses in the North Industrial Area outside of the study area, and has not conducted any outreach for the Johnson Creek Industrial. It is likely that stakeholders in this area are not yet aware of these amendments.

Policy Questions:

- Should the TSAP be implemented as an overlay zone and retain a base zone of Manufacturing (M)? Staff believes the major advantage of this approach is that it allows the M zone uses to continue to occur in the station area, while also allowing properties in the study area to establish the types of uses envisioned by the TSAP when they choose to do so.
- Should the M Zone amendments be adopted city-wide? This would mean that non-manufacturing uses would be further limited throughout the M Zone relative to

current regulations. As noted above, if the amendments are adopted, the Station Area Overlay would be used to allow a different and more flexible mix of employment uses just within the Station Area. This approach would effectively serve as a trade-off in that M Zone land inside the Station Area would be allowed a higher proportion of non-manufacturing uses but M Zone land outside the Station Area would be allowed a lower proportion of non-manufacturing uses (compared with current code).

B. Nonconforming uses

Depending on the language in the draft Station Area Overlay zone, it is possible that nonconforming situations may be created either through changes to the list of permitted uses or new design and development standards in the overlay zone. For example, if warehousing is no longer permitted as a future new use in some of the identified Subareas, existing warehousing uses could become nonconforming uses and would be subject to the city's nonconforming use regulations in Chapter 19.800. Those uses would be limited in their ability to expand or be moved or altered in any way. This approach may conflict with the objective of supporting existing businesses in the Station Area. An alternative would be to develop code language that avoids creation of non-conforming uses as described below.

Policy question: How should potential nonconforming situations be addressed in the planning area? Should the overlay zone include language stating that no nonconforming situations (uses or developments) will be created with adoption of the overlay? This would mean existing businesses would be allowed to expand or move without regard to the nonconforming regulations in 19.800, even if they were no longer allowed as new uses by the overlay zone. If those uses were to expand by a certain amount, they would be subject to Development Review and to the applicable design and development standards in the overlay.

C. Multifamily residential - deed restriction vs. conditional use

The Station Area Plan identifies Subareas 1, 2 and 3 as areas that could be appropriate for multifamily or multifamily mixed use development, and portions of Subarea 2 may also be appropriate for single-family development. Currently, the overlay zone is drafted so that multifamily (stand-alone or above a commercial/office use) would be permitted outright in Subareas 1 and 2 and permitted only through conditional use review in Subarea 3. The intent of the conditional use requirement was to recognize that Subarea 3 is anticipated to be primarily a mix of employment uses include manufacturing, office and commercial uses; it is not intended to be a residential district. As such, the city will want to ensure that residential developments in Subarea 3 are built to be compatible with non-residential uses and to avoid any expectation of the area becoming a primarily residential district. Requiring a conditional use review will allow the Planning Commission to evaluate each potential multifamily project against the intended goals and objectives for Subarea 3 to determine if it is an appropriate project.

An alternative to the conditional use review would be to impose a deed restriction or other mechanism on multifamily developments in Subarea 3 that would prohibit residents from filing complaints about adjacent non-residential uses. In other words, the deed restriction would recognize that the residential development was occurring in a primarily non-residential district and some inherent incompatibilities may exist. This is somewhat

analogous to the approach taken in agricultural areas to avoid nuisance complaints that would adversely affect farm uses. The benefit to the deed restriction approach is that multifamily could be permitted outright instead of requiring a more time consuming and expensive conditional use review.

Policy question: Should multifamily development in Subarea 3 be required to go through conditional use review or permitted outright with deed restrictions? A possible compromise between the two could provide an either-or option for the developer and allow them to choose which approach to take.

D. Parking ratios

Based on a parking analysis conducted for the Station Area Plan, demand for off-street parking in the Station Area is predicted to exceed the amount that would be supplied under the city's current parking standards. In addition, property and business owners have indicated that portions of the Station Area already experience parking shortages. While parking management strategies such as shared parking, shuttle services, pricing and parking permits may help mitigate the need for additional parking, the city has also considered revising the parking requirements for certain uses to address anticipated demand.

The city's Zoning Code currently requires the following amount of off-street parking for office, retail and manufacturing uses (these are the uses most relevant to the Station Area):

- General office: Minimum requirement is 2 spaces per 1,000 square feet of floor area. Maximum allowed is 3.4 spaces per 1,000 square feet.
- Manufacturing: Minimum requirement is 1 space per 1,000 square feet of floor area. Maximum allowed is 2 spaces per 1,000 square feet.
- General retail: Minimum requirement is 2 spaces per 1,000 square feet (includes grocery stores, convenience stores, specialty retail and shops). Maximum allowed is 5 spaces per 1,000 square feet.

All three of the above uses have off-street parking requirements (both minimums and maximums) that are notably lower than those recommended for areas served by frequent transit in the Metro Regional Transportation Functional Plan (RTFP) Regional Parking Ratios Table (Table 3.08.3). However, simply increasing the minimum parking requirement in the Station Area may conflict with the objective of creating a more intensified development pattern and promoting alternative modes of transportation (transit, biking and walking). An oversupply of parking also could potentially reduce the amount of land available for employment, public space or other desirable/valuable uses.

In finding the balance between parking supply and demand in the Station Area, the city has considered the following general approaches:

- Option 1: Leave the existing parking requirements as they are and rely entirely on parking management strategies to address parking demand.
- Option 2: Leave the existing minimum parking requirements as they are but increase the parking maximums for office, retail and manufacturing to allow the option for more parking.

- Option 3: Increase both minimum and maximum parking requirements for office, retail and manufacturing uses to be similar to those recommended in the RTFP. The RTFP recommends the following:
 - General office: Minimum of 2.7 spaces per 1,000 square feet of gross leasable area, maximum of 4.1 spaces per 1,000 square feet
 - Manufacturing: Minimum of 1.6 spaces per 1,000 square feet of gross leasable area, no maximum
 - Retail/commercial: Minimum of 4.1 spaces per 1,000 square feet of gross leasable area, maximum of 6.2 spaces per 1,000 square feet

Again, this discussion focuses only on revisions to the Zoning Code. It is likely that a combination of actions will be needed to ensure adequate parking in the Station Area; that combination may or may not include revisions to the parking standards in the Zoning Code. Other elements (in addition to parking management strategies) may include repurposing the existing TriMet parking lot to provide additional parking capacity south of Beta Street and/or revisions to the Manufacturing Zone that reduce the amount of non-manufacturing uses allowed (thus reducing parking demand).

Policy question: Which of the three options listed above is the most appropriate approach to parking requirements in the Station Area?

E. Design standards

The proposed Station Area Overlay Zone will likely contain new development and design standards, particularly for commercial, office and retail development. The recommended standards would be similar to standards found in Milwaukie's Downtown Commercial zone and would regulate the following elements:

- Lot size and lot frontage
- Building height
- Floor-Area-Ratio
- Setbacks
- Building orientation and entrances
- Building signage
- Ground floor window requirements, amount and glazing
- Parking and landscaping
- Design standards for street-facing walls, windows and roofs

For residential uses, existing standards for multifamily and townhouse development would apply.

Again, these standards would primarily apply to new or expanded commercial, office and retail uses in the Station Area. However, the city may want to consider applying some or all of the standards to new or expanded manufacturing or other industrial uses as well.

Policy question: Should new development and design standards be applied to manufacturing uses in the Station Area? If so, which of the above standards would be

appropriate and should the standard be reduced for manufacturing uses? For example, should the ground floor window requirement be less for manufacturing uses than for a commercial use?

F. Process for new development

The recommended approach for permitting development in the Station Area is outlined below.

- Most uses would be permitted outright through a Type I or Type II Development Review and have clear and objective standards for development. Multifamily uses in certain subareas may require a conditional use review, depending on the outcome of policy subsection C in this memo.
- The Planning Commission would only review developments in the Station Area if they are subject to a Type III review such as conditional use or community service use (or appeal of a Type II approval). Otherwise, reviews would be done at staff level.

Policy question: Do you support this approach?

ATTACHMENTS

Attachments are provided as indicated by the checked boxes. All material is available for viewing upon request.

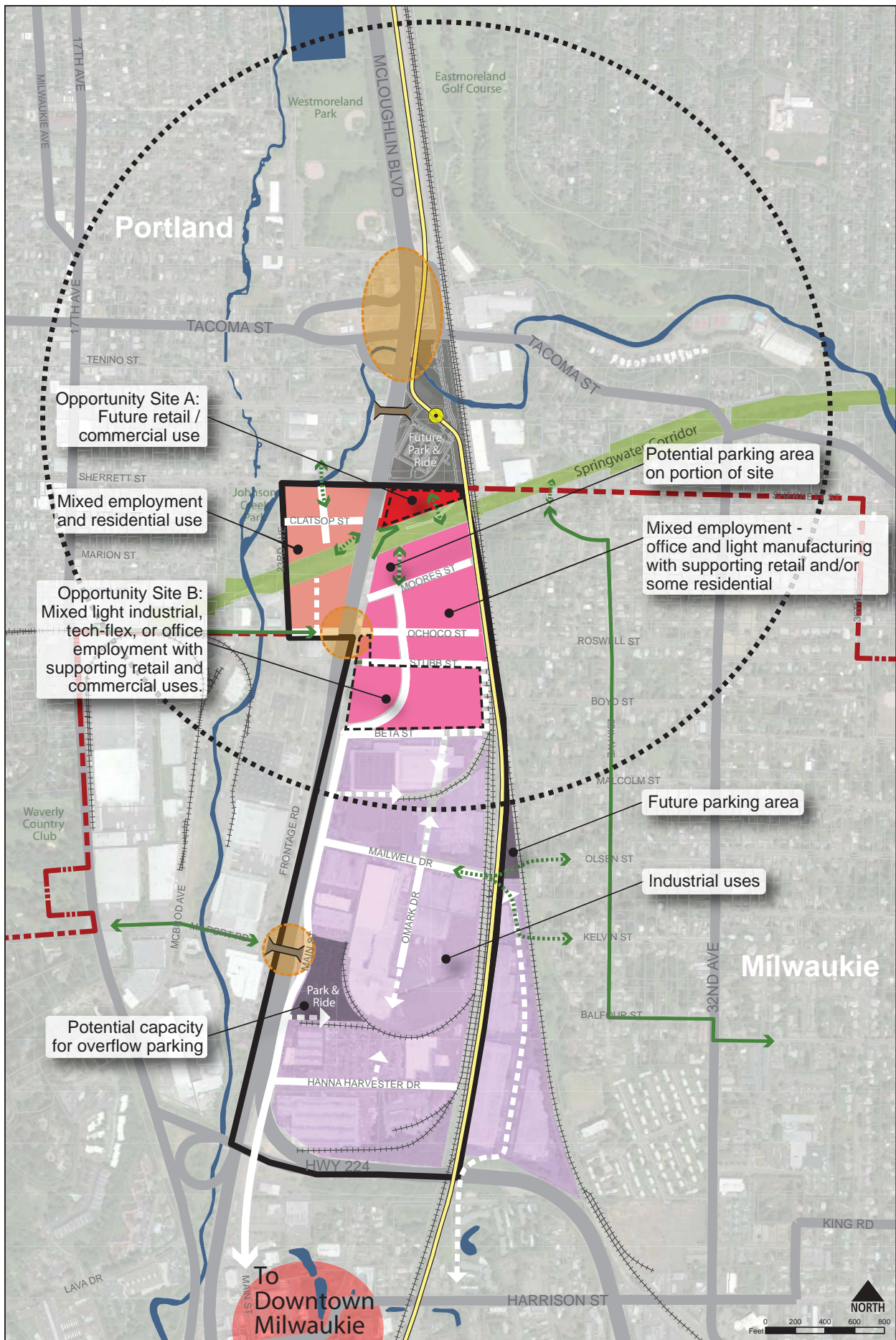
	PC Packet	Public Copies	E- Packet
1. TSAP Preferred Maps: preferred land use scenario; proposed subareas; transportation improvement projects	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. Draft Amendments to Manufacturing Zone	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3. Draft Amendments for TSAP Overlay Zone	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Key:

PC Packet = paper materials provided to Planning Commission 7 days prior to the meeting.

Public Copies = paper copies of the packet available for review at City facilities and at the Planning Commission meeting.

E-Packet = packet materials available online at <http://www.ci.milwaukie.or.us/planning/planning-commission-74>.



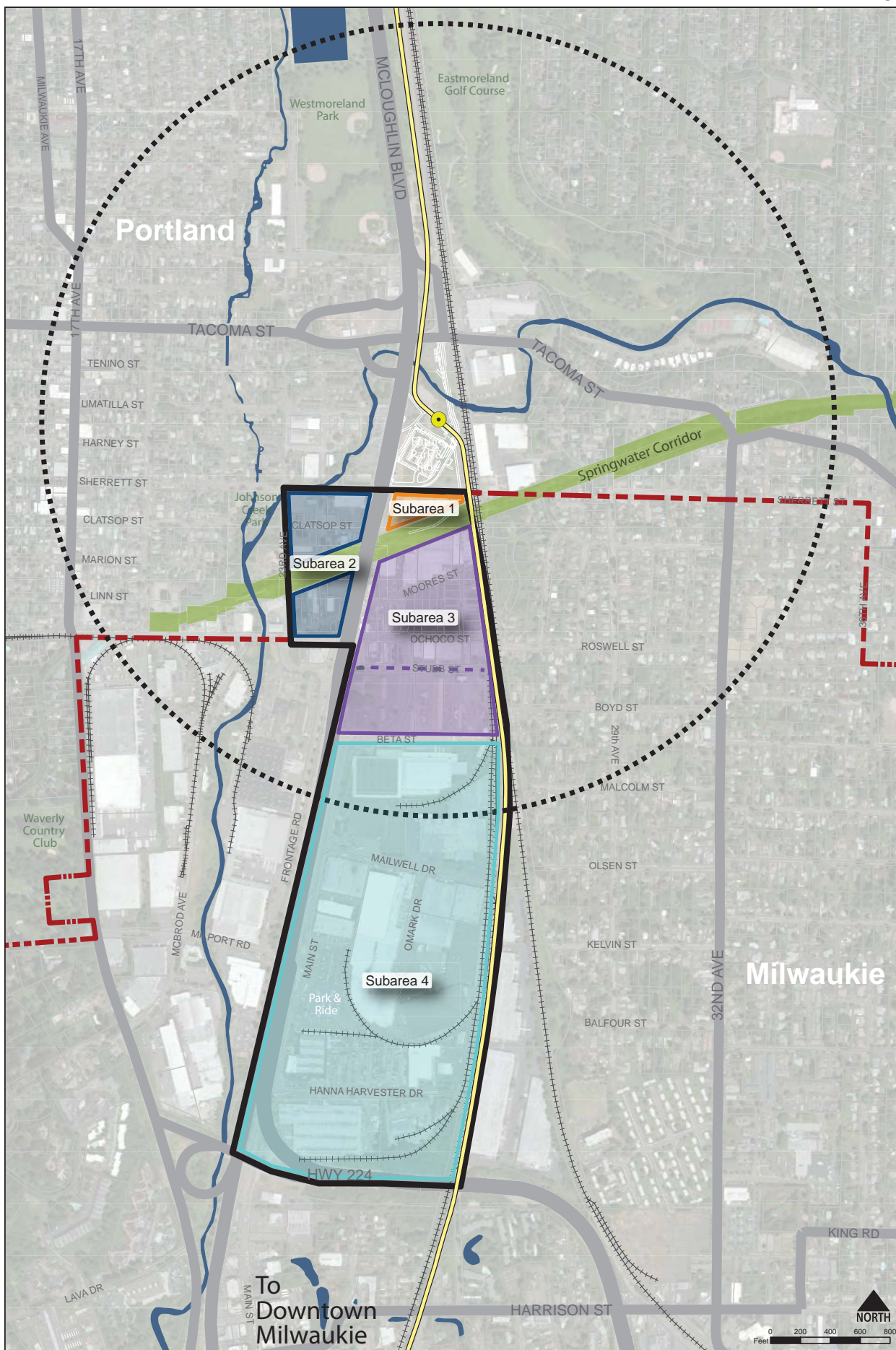
**Preferred Concept Alternative
TACOMA STATION AREA PLAN**

4 February 2013

- | | | |
|--|--|---|
| ■ Commercial | Study Area Streets | Project Study Area |
| ■ Live Work (Mixed Residential / Employment) | New Street Connections | Station Area (1/2 mile radius) |
| ■ Civic / Entertainment | — Bike / Ped Improvements | City Boundary |
| ■ Mixed Employment | - - - New Bike / Ped Connections | ● LRT Station |
| ■ Existing Industrial Uses | Intersection Improvements | — LRT Alignment |

To
Downtown
Milwaukie





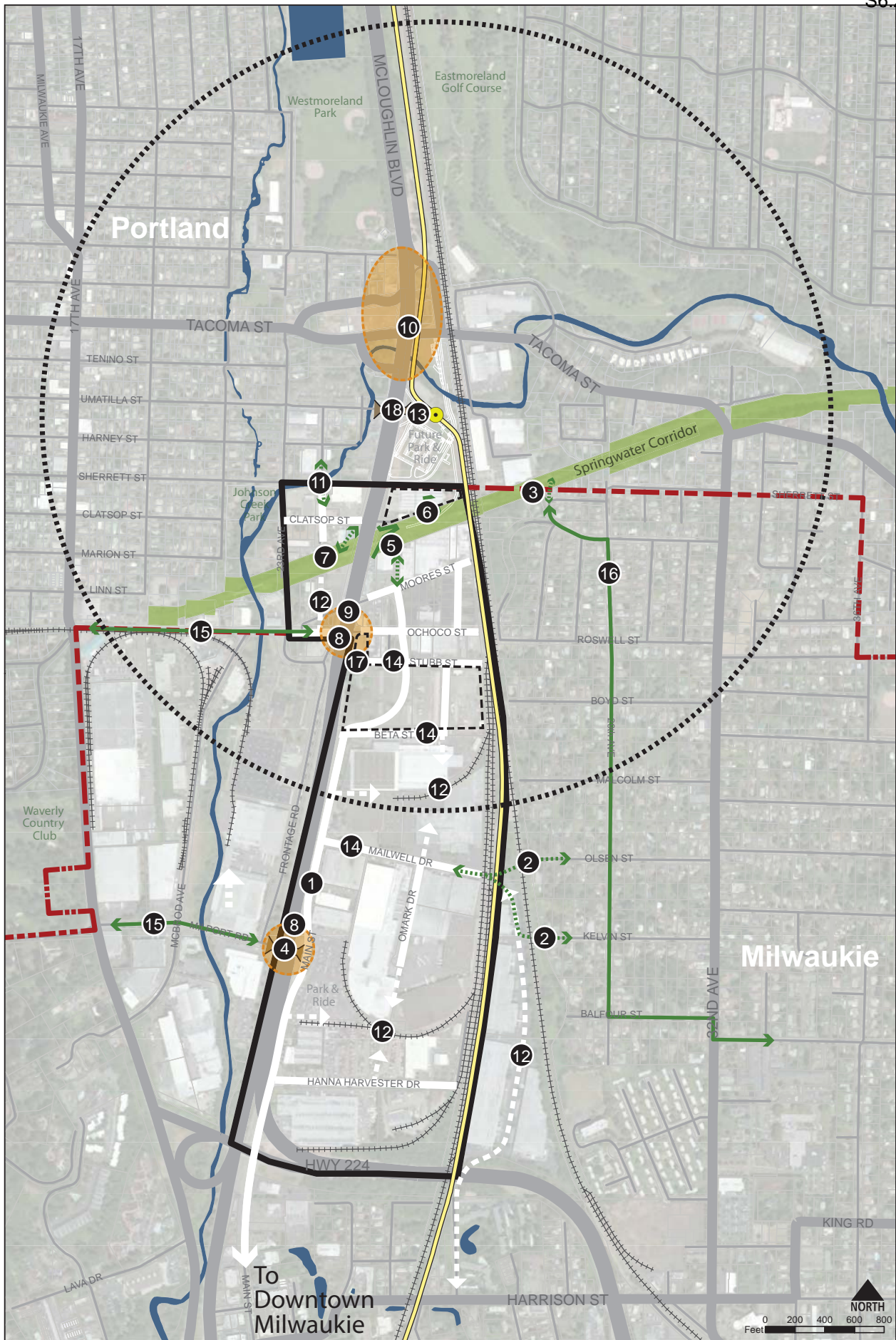
Study Sub-Areas
TACOMA STATION AREA PLAN

4 February 2013

- Subarea 1: Opportunity Site A
- Subarea 2: Area west of McLaughlin
- Subarea 3: South of Springwater and North of Beta, including Opportunity Site B (this subarea split into two parts for the transportation analysis)
- Subarea 4: South of Beta

- Project Study Area
- Station Area (1/2 mile radius)
- City Boundary
- LRT Station
- LRT Alignment





Station Area Transportation Improvements
TACOMA STATION AREA PLAN

4 February 2013

- Study Area Streets
- New Street Connections
- Bike / Ped Improvements
- New Bike / Ped Connections
- Intersection Improvements
- Project Study Area
- Station Area (1/2 mile radius)
- City Boundary
- LRT Station
- LRT Alignment

ATTACHMENT 2

MEMORANDUM

DATE: May 7, 2012

TO: Milwaukie Tacoma Station Area Plan Project Management Team

FROM: Matt Hastie, Angelo Planning Group
Serah Breakstone, Angelo Planning Group

**SUBJECT: Tacoma Station Area Plan
DRAFT Manufacturing Zone Revisions**

The purpose of this memorandum is to recommend revisions to Milwaukie's Manufacturing (M) zone in order to address existing deficiencies and support implementation of the Tacoma Station Area Plan (Plan). Land within the Plan study area is currently zoned for manufacturing uses under Section 19.309 of the city's zoning code. Land use analyses¹ conducted for the study area in 2002 and 2011 concluded that manufacturing uses, including flexible industrial space and office uses, remain the most appropriate uses for the study area. However, the city has identified several issues with its existing manufacturing zone that make it difficult to implement and present barriers to efficiently regulating and developing the area. Those issues are described in a 2009 code audit² and are briefly summarized below:

- The M zone lists uses that are permitted, permitted conditionally, or prohibited. Clear definitions or descriptions of those uses are not provided which makes it difficult for staff to determine if a use is allowed or to make a "similar use" determination for those uses that are not listed.
- The M zone lacks clear and objective development standards intended to preserve the zone primarily for industrial uses.
- The zone requires that combined uses provide at least ten employees per net acre but there is no guidance for calculating or monitoring/enforcing that standard.
- Size limitations for retail space currently only apply to areas within the Title 4 "Employment Area" boundary, which is limited in its scope.

¹ *Land Use Analysis for Milwaukie's North Industrial Area*, Hobson Ferrarini Associates, November 2002 and *SE McLoughlin Best Use Study*, Kidder Mathews, July 2011.

² *Milwaukie Code Evaluation Report*, Angelo Planning Group, July 2009.

Recommended amendments to the Manufacturing zone are presented in Attachment A of this memorandum and are intended to address the issues described above. Those recommended amendments include:

- A list of use categories that are allowed either outright or conditionally in the Manufacturing zone. Categories are defined and examples of uses in each category are provided. Some of the use categories on the recommended list may allow uses that wouldn't be allowed under current code; city staff will need to carefully review the list to ensure it is suitable.
- Retail and office uses are only allowed as accessory uses to the primary uses allowed in the Manufacturing district. The recommended language contains size limitations on retail and office space that do not exist in the current code.
- Recommended amendments include new development standards to regulate outdoor storage uses, location of parking and loading areas, external effects, and mechanical equipment. In addition, a reference to the supplemental development standards in Chapter 19.500 is included.
- A placeholder is included for the density standard (10 employees per acre). If the city decides to keep this standard, additional language will be needed to clarify how the standard is applied, defined, and enforced.
- The transition area review requirement is recommended for deletion and will be replaced by the transition standards in Chapter 19.504.6.

Addition of the Tacoma light rail station to this area presents an opportunity to implement some new standards that will promote an active station area community and encourage redevelopment. Subsequent tasks in this project will evaluate additional code amendments needed to achieve the goals and objectives of the Plan. The assumption at this point is that the study area will continue to be zoned for manufacturing; however, some additional standards and requirements may be needed to further support the Plan. Those additional standards may include an overlay zone to implement specific design standards and allow additional uses for the Plan area, especially the opportunity sites.

The recommended code amendments in Attachment A are shown in underline for new text and ~~striketrough~~ for deleted text.

Municipal Code Title 19 Zoning

CHAPTER 19.300 BASE ZONES

19.309 MANUFACTURING ZONE M

Statement of Purpose. The purpose of this manufacturing zone is to promote clean, employee-intensive industries which may also include related accessory uses, such as commercial and office uses, which serve the industrial area.

19.309.1 Permitted Uses Use Categories

The categories of land uses that are permitted in the Manufacturing Zone are listed in Table 19.309.1. Permitted uses are designated with a “P”. A “C” in this table indicates a use that may be permitted as a conditional use in conformance with Chapter 19.905. An “L” indicates a use that is permitted outright with certain limitations as described in Section 19.309.X.

All uses must comply with the land use district standards of this section and all other applicable requirements of the Zoning Code. If it is unclear whether or not a proposed use is allowed under the use categories, city staff will make a Director determination about the use in conformance with Chapter 19.903.

[NEW TABLE]

<u>Use Category</u>	<u>Status</u>
<p>A. <u>Construction: Contractors and Related Businesses. This category comprises businesses whose primary activity is performing specific building or other construction related work.</u></p> <p><u>Examples of contractors are residential and nonresidential building construction, utility/civil engineering construction, specialty trade contractors, and moving companies. Examples of related businesses are engineering, architectural and surveying services and which often take place in office-type buildings.</u></p>	<p>P</p>
<p>B. <u>Manufacturing. Manufacturing comprises establishments engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products, including the assembly of components parts.</u></p> <p><u>Examples of manufacturing include alternative energy development, biosciences, food and beverage processing, software and electronics production, fabrication of metal products, products made from manufactured glass, products made from rubber, plastic or resin, converted paper and cardboard products, and microchip fabrication.</u></p>	<p>P</p>
<p>C. <u>Wholesale Trade. Wholesale Trade comprises establishments engaged in selling / and or distributing merchandise to retailers; to industrial, commercial, or professional business users; or to other wholesalers, generally without transformation, and rendering services incidental to the sale of merchandise. Wholesalers sell merchandise to other businesses, not the general public, and normally operate from a warehouse or office and are not intended for walk-in traffic.</u></p>	<p>P</p>

Proposed Code Amendment

<p>D. <u>Transportation/Distribution (Trucking and Rail).</u> This category provides for transportation of cargo using motor vehicles or rail spurs and may include loading docks, temporary outdoor storage, and fleet parking. Goods are generally distributed to other firms or the final customer and are often associated with warehousing and storage facilities.</p>	<p><u>P</u></p>
<p>E. <u>Warehousing and Storage.</u> These industries are primarily engaged in operating warehousing and storage facilities for general merchandise, refrigerated goods, and other products and materials that have been manufactured and are generally being stored in anticipation for delivery to final customer. May provide a range of logistical services including labeling, packaging, price marking and ticketing, and transportation arrangement. Mini-storage facilities are not considered industrial warehousing and storage and are not permitted in the Manufacturing district.</p>	<p><u>P</u></p>
<p>F. <u>Information Services.</u> Information services are establishments engaged in the producing and distributing information and cultural products; providing the means to transmit or distribute these products as well as data or communications; or processing data.</p> <p><u>Examples include publishing industries including book, periodical and software publishing; computer systems design; internet web search services; internet service providers; video and motion picture industries; computer data storage services; optical scanning and imaging services, and processing financial transactions such as credit card transactions and payroll processing services. These businesses primarily serve other industries and generate few general public customer visits per day.</u></p>	<p><u>P</u></p>
<p>G. <u>Trade or commercial schools.</u> Establishments whose primarily purpose are to provide training to meet industrial needs and often lead to job-specific certification.</p> <p><u>Examples of this use category are electronic equipment repair training, truck driving school, welding, and operation and repair of industrial machinery and other industrial skills.</u></p>	<p><u>P</u></p>
<p>H. <u>Accessory Uses.</u> This category includes uses that are primarily intended to support and serve other allowed uses in the Manufacturing Zone. Accessory uses are divided into three sub-categories:</p> <ul style="list-style-type: none"> (1) <u>General accessory uses.</u> This category includes uses that are necessary in order to effectively operate an allowed use in the Manufacturing district. General accessory uses include outdoor storage, docks, rail spur or lead lines, employee facilities, repair facilities, and truck fleet parking and maintenance areas. (2) <u>Administration and support in office buildings.</u> This category includes uses in office-type buildings that are accessory to an industrial use; establishments which administer, oversee, and manage companies; which manage financial assets and securities; research and design; laboratories and testing facilities; provide document preparation and other industrial support services; including corporate offices, company 	<p><u>L</u></p>

Proposed Code Amendment

<p><u>business offices, call centers, and other office type uses that primarily serve other industries and do not generate a significant number of daily customer visits. See Section 19.309.5.A.</u></p> <p>(3) <u>Retail commercial and professional services. The sales of goods and materials and of professional services intended to serve employees and customers of the industrial area.</u></p> <p><u>Examples of retail commercial include restaurants, storefronts, mini-marts, factory outlet stores and office supplies. Examples of professional services that cater to employees and customers include bank branches, financial, insurance, real estate, legal, medical and dental offices. See Section 19.309.5.B.</u></p>	
<p>I. <u>Exclusive Heavy Industrial Uses. Uses exclusive to the HI are those sites which are primarily rock crushing facilities; natural resource extraction; aggregate storage and distribution facilities; and concrete and/or asphalt batch plants. See Section 19.309.4.A.</u></p>	<u>C</u>
<p>J. <u>Waste Management. Businesses that provide garbage and recycling hauling, sorting and transferring, including fleet parking and maintenance.</u></p>	<u>P</u>
<p>K. <u>Miscellaneous Industrial. Firms involved in large scale repair and servicing of industrial, business or consumer electronic equipment, machinery and related equipment, products, or by-products.</u></p> <p><u>Examples include welding shops; machine shops; tool, electric motor, industrial instruments repair; sales, repair, storage, salvage or wrecking of heavy machinery, metal and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire retreading or recapping; exterminators including chemical mixing or storage and fleet storage and maintenance; janitorial and building maintenance services that include storage of materials and fleet storage and maintenance; fuel oil distributors; solid fuel yards; and large scale laundry, dry-cleaning and carpet cleaning plants. Few customers, particularly not general public daily customers, come to the site.</u></p>	<u>P</u>
<p>L. <u>High-Impact Commercial Use. A high impact commercial use is a use that generates substantial traffic, noise, light, irregular hours, or other potential impact on the community.</u></p> <p><u>Examples include, but are not limited to: drinking establishments, commercial recreation, adult entertainment businesses, theaters, hotels, and motels. See Section 19.309.4.B.</u></p>	<u>C</u>

~~Permitted uses are limited to industrial uses meeting the following criteria:~~

- ~~A. Any combination of manufacturing, office, and/or commercial uses are allowed when at least 25% of the total project involves an industrial use as described under Subsection 19.309.1.B. The combined uses shall provide at least 10 employees per net acre.~~

- ~~B. A use which involves the collection and assembly of durable goods, warehousing of goods, transshipment of goods from other sources, and/or the assembly of goods from products which have been processed elsewhere, general manufacturing, and production.~~
- ~~C. Commercial and office uses which are accessory to the industrial use(s). Such uses may include gymnasium, health club, secretarial services, sandwich deli, small restaurant, and retail/wholesale commercial use and showroom.~~
- ~~D. May produce small amounts of noise, dust, vibration, or glare, but may not produce off-site impacts that create a nuisance, as defined by DEQ or the City Noise Ordinance.~~
- ~~E. Has access to a collector or arterial street.~~
- ~~F. A permitted use may require outside storage areas. These storage areas shall be screened with a sight-obscuring fence or dense plantings from any adjoining residential uses or public streets.~~
- ~~G. Warehouse use which is accessory to an industrial use.~~

19.309.2 Preexisting Uses and Developments

Notwithstanding the provisions of Chapter 19.800 Nonconforming Uses and Development, prohibited uses and structures located in any mapped "employment" or "industrial" area, as shown on the Milwaukie Comprehensive Plan Title 4 Lands Map, that were lawfully in existence prior to May 6, 1999, ~~and would be impacted by amendments prohibiting retail uses in excess of 60,000 sq ft,~~ are considered to be approved uses and structures for the purposes of this section. If such a preexisting use or development is damaged or destroyed by fire, earthquake, or other natural force, then the use will retain its preexisting status under this provision, so long as it is substantially reestablished within 3 years of the date of the loss.

Notwithstanding the provisions of Chapter 19.800 Nonconforming Uses and Development, prohibited uses and structures located in any mapped "industrial" area, as shown on the Milwaukie Comprehensive Plan Title 4 Lands Map, that were lawfully in existence prior to March 17, 2009, may continue and expand to add up to 20% more floor area and 10% more land area than exists on the above-stated date. This expansion requires a conditional use review.

19.309.3 Prohibited Uses

- A. Any use which has a primary function of storing, utilizing, or manufacturing explosive materials or other hazardous material as defined by the Uniform Fire Code, Article 80;
- B. New residential construction, churches, public schools;
- ~~C. Retail uses greater than 60,000 sq ft gross floor area per building or business are prohibited on all lots included in mapped "Employment" or "Industrial" areas as shown on Milwaukie Comprehensive Plan Title 4 Lands Map, April 6, 1999.~~
- ~~D. All lots included in mapped "Industrial" areas, as shown on Milwaukie Comprehensive Plan Title 4 Lands Map, April 6, 1999, carry the following additional restrictions:~~

Proposed Code Amendment

- ~~1. Individual retail trade uses greater than 5,000 sq ft gross floor area per building or business are prohibited.~~
- ~~2. Multiple retail trade uses that occupy more than 20,000 sq ft gross floor area are prohibited, whether in a single building or in multiple buildings within the same project.~~
- ~~3. Facilities whose primary purpose is to provide training to meet industrial needs are exempted from this prohibition.~~

19.309.4 Standards for Conditional Uses

The following standards apply to those uses listed as conditional (C) in Table 19.309.1.

A. ~~Natural Resource Extraction~~ Exclusive Heavy Industrial Uses

1. Open pit and gravel excavating or processing shall not be permitted nearer than 50 ft to the boundary of an adjoining property line, unless written consent of the owner of such property is first obtained. Excavating or processing shall not be permitted closer than 30 ft to the right-of-way line of an existing platted street or an existing public utility right-of-way.
2. An open pit or sand and gravel operation shall be enclosed by a fence suitable to prevent unauthorized access.
3. A rock crusher, washer, or sorter shall not be located nearer than 500 ft to a residential or commercial zone. Surface mining equipment and necessary access roads shall be constructed, maintained, and operated in such a manner as to eliminate, as far as is practicable, noise, vibration, or dust which is injurious or substantially annoying to persons living in the vicinity.

B. High-Impact Commercial Uses

When considering a high-impact commercial use, the Commission shall consider the following:

1. Nearness to dwellings, churches, hospitals, or other uses which require a quiet environment;
2. Building entrances, lighting, exterior signs, and other features which could generate or be conducive to noise or other disturbance for adjoining uses;
3. Parking vehicles and pedestrian access and circulation could contribute to noise or attract habitual assembly or unruly persons;
4. Hours of operation;
5. In addition to consideration of the above with respect to building and site design, the Planning Commission may attach conditions or standards of performance and impact, and methods for monitoring and evaluating these, to ensure that such establishments do not become unduly or unnecessarily disruptive.
6. In addition, when considering an adult entertainment business, the following criteria shall be used:
 - a. The proposed location of an adult entertainment business shall not be within 500 ft of an existing or previously approved adult entertainment business or within 500 ft of either a public park, a church, a day-care

center, a primary, elementary, junior high, or high school, or any residentially zoned property.

- b. ~~both of which distances~~ Distances shall be measured in a straight line, without regard to intervening structures, between the closest structural wall of the adult entertainment business and either the closest property line of the impacted property or the closest structural wall of any pre-existing or previously approved adult entertainment business.

19.309.5 Standards for Limited Uses

The following standards apply to those uses listed as limited (L) in Table 19.309.1.

- A. Administration and support in office buildings. Only administrative and support offices which are related to the operation of a manufacturing use on the property are permitted in the Manufacturing zone. No greater than 20% of the floor area of a building may be used for administrative office space.
- B. Retail commercial and professional services. In order to ensure that these uses are primarily intended to serve the needs of workers and customers in the immediate area, the following standards apply:
1. The total gross leasable square footage of an individual retail or professional service use shall not exceed 5,000 square feet. Multiple retail or professional service uses shall not exceed 20,000 square feet cumulative gross leasable square footage within the same development project. For the purposes of this section a development project is defined as:
 - a. A single building with less than 50,000 square feet of gross floor area that does not share common development features (such as access, parking, or utilities) with another building that has less than 50,000 square feet of gross floor area, whether or not the second building is located on the same or a different parcel or lot; or
 - b. Multiple buildings, each with less than 50,000 square feet of gross floor area, that share common development features (such as access, parking, or utilities), whether or not the buildings are located on the same or a different parcel or lot; or
 - c. A single building with 50,000 square feet or more of gross floor area.
 2. Retail and professional services uses shall not be permitted in a stand-alone building. They must be included within a building whose primary purpose is for an allowed manufacturing use.

19.309.5 Site Development Requirements

19.309.6 Development Standards for All Uses

The following development standards apply to all uses in the Manufacturing district.

- A. Setbacks
Front: 20 ft

Side: None*

Corner side yard: 10 ft

Rear: None*

* Except when abutting a residential district, in which case the setback shall match the abutting property.

B. Height. 45 ft

C. Parking and loading. See Chapter 19.600.

D. Landscaping

15% landscaping of the site is required. A variety of trees, shrubbery, and ground cover is encouraged. Street trees are required along street frontages and within parking lots to help delineate entrances, provide shade, and permeable areas for storm water runoff. A bond or a financial guarantee of performance will be required.

E. Site access. All sites shall have access to a collector or arterial street. Each site shall have one 4 curb cut (45 ft maximum) per 150 ft of street frontage.

~~F. Transition Area~~

~~Industrial development adjacent to and within 120 ft of areas zoned for residential uses is subject to Type I or II review per Section 19.906 Development Review. The following characteristics will be considered:~~

~~1. Noise~~

~~2. Lighting~~

~~3. Hours of operation~~

~~4. Delivery and shipping~~

~~5. Height of structure~~

~~6. Distance to residential zone boundary~~

~~The review authority may attach conditions to reduce any potentially adverse impacts to residential properties.~~

G. Transportation requirements and standards. As specified in Chapter 19.700.

H. Uses shall provide a minimum of 10 employees per acre.

I. Outdoor uses shall be screened as follows:

1. All outdoor storage areas shall be screen from adjacent properties by a six-foot high sight-obscuring fence or wall.

2. All screened or walled outdoor use and storage areas which abut a public street shall be set back a minimum of 25 feet from the property line(s). Within that setback area trees and evergreen shrubs shall be planted. The plants shall be of such a variety and arranged to allow only minimum gaps between foliage of mature trees and plants within four years of planting.

J. Parking, loading and unloading areas shall be located as follows:

1. Parking, loading and unloading areas shall not be located within a required setback.

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2. No loading or unloading facilities shall be located adjacent to lands designated for residential uses or a residential community service if there is an alternative location of adequate size on the subject site.
- K. External effects. The potential external effects of manufacturing uses shall be minimized as follows:
1. The emission of air pollutants or odorous gasses and changes in temperature detectable by the human senses without the aid of instruments at any point beyond the property line is prohibited.
 2. Electrical disturbances which interfere with the normal operation of equipment or instruments on adjacent properties are prohibited.
 3. Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed building.
 4. Loud, unnecessary, or unusual noise or dust that endangers health, peace or safety or creates off-site impacts or nuisance as defined by DEQ or the City Noise Ordinance is prohibited.
- L. Roof mounted mechanical equipment such as ventilators and ducts for buildings located adjacent to residential districts, arterial streets or transit streets shall be contained within a completely enclosed structure that may include louvers, latticework, or other similar features.
- M. Chapter 19.500, Supplementary Development Regulations contains additional standards that may apply.
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[NOTE: THE LANGUAGE IN THE OVERLAY ASSUMES THAT THE RECOMMENDED AMENDMENTS TO THE M ZONE, AS DESCRIBED IN APPENDIX F, ARE ADOPTED.]

CHAPTER 19.400 OVERLAY ZONES AND SPECIAL AREAS

19.406 TACOMA STATION AREA OVERLAY ZONE

19.406.1 Purpose statement. Describes the primary intent of the overlay and refers back to the Station Area Plan document. Includes some language about the intended character, mix of uses, and transit-supportive elements.

19.406.2 Applicability. States that the standards and requirements in this section apply within the Tacoma Station Area Overlay Zone boundary as shown in the associated map from the Station Area Plan. For clarity, the map should be included in this section as a reference figure.

19.406.3 General Provisions. Contains general language that applies to the entire overlay zone, as follows:

A. Consistency with base zone. Statement that the requirements (permitted uses, development standards, etc.) of the base Manufacturing zone apply in the overlay unless otherwise noted in this section.

B. Language that addresses the issue of non-conforming uses. The city is evaluating different approaches to addressing the issue of non-conforming situations that may be created by adoption of the overlay zone.

C. Additional development standards (beyond what's required in the base zone) that apply to the entire overlay area, if appropriate.

D. Statement that transportation requirements and standards as provided in Chapter 19.700 apply. Include reference to street design cross sections in the Station Area Plan.

E. Transition area standards to ensure compatibility with such a broad mix of allowed uses. The existing transition area standards in Section 19.504.6 may be sufficient to address transitions in the overlay zone. If not, some clear and objective standards could be added here to strengthen or expand on the existing standards. Parking requirements. See discussion in subsection (iv) below.

G. Review process. All new or expanded/modified development in the overlay will be processed through Type I or Type II Development Review consistent with Chapter 19.906.

19.406.4 Overlay Subareas. Establishes the intent for dividing the station area into subareas and generally describes the four subareas. Refer again to figure that shows the subarea boundaries.

19.406.5 Subarea 1: Pendleton Mills site.

A. Subarea boundary. Subarea 1 is the Pendleton Woolen Mills site located north of Springwater Corridor

B. Subarea characteristics/intent. Describes the intended character and mix of land uses for the subarea: combination of retail and commercial uses catering to light rail users.

C. *Permitted uses. Same as Subarea 3 except as follows:*

1. *Office can be stand-alone with no limits on size and does not need to be accessory to manufacturing or other general employment use*
2. *Multifamily and above-ground residential allowed outright instead of conditionally*
3. *The amount and type of manufacturing uses allowed in this subarea will be limited to smaller, light manufacturing uses that will be more compatible with commercial, office and retail uses.*

D. *Development and design standards. Same as Subarea 3.*

19.406.6 Subarea 2: West of McLoughlin.

A. *Subarea boundary. Subarea 2 is the smaller area of land surrounding Springwater Corridor west of McLoughlin Blvd.*

B. *Subarea characteristics/intent. Describes the intended character and mix of land uses for the subarea: a mix of employment and residential uses, including live/work and possibly other types of residences.*

C. *Permitted uses. Same as Subarea 1 except as follows:*

1. *Allow townhouse-style residential development, with or without ground-floor work/commercial/retail spaces.*
2. *Allow a detached home associated with a commercial or manufacturing use, similar to ADU, as a detached live/work unit.*
3. *The amount and type of manufacturing uses allowed in this subarea will be limited to smaller, light manufacturing uses that will be more compatible with commercial, office and retail uses.*

D. *Development and design standards. Same as Subarea 3 except include standards for townhouse same as or similar to existing rowhouse standards in Section 19.505.5.*

19.406.7 Subarea 3: Mixed Employment.

A. *Subarea boundary. Subarea 3 is the area between Beta Street and Springwater Corridor.*

B. *Subarea characteristics/intent. Describes the intended character and mix of land uses for the subarea: more intensified mixed employment district, primarily office, light manufacturing, research and development, or other general employment uses with retail/commercial located along McLoughlin Blvd and Main; allow potential for institutional (e.g., vocational education or training) uses.*

C. *Permitted uses. Same as those permitted by the base zone, except as noted below:*

1. *Retail and commercial uses can be stand-alone uses (they do not need to be accessory uses as per the base zone). Office uses must still be accessory to a manufacturing or other general employment use.*

2. No limitation on the size or amount of retail/commercial uses. Limits may still apply to office uses.

3. Multi-family residential (stand-alone building) and second-story residential (above a ground floor commercial or office use) allowed as a conditional use or with deed restrictions or other mechanism to reduce potential for conflicts between residential and non-residential uses.

4. Development standards for manufacturing uses will be the standards of the base zone plus additional standards similar to those in the Business Industrial zone (Section 19.310.6).

D. Development standards for non-manufacturing uses. Non-manufacturing uses shall comply with the standards of the base zone except as indicated below:

1. Minimum and maximum density, for residential development only.

2. Street frontage requirements

3. Min lot size for residential development only

4. FAR 0.3:1 minimum and 2:1 maximum (same as Downtown Commercial)

5. Building height, if different from base zone.

6. Minimum setbacks. Front: 0 feet, side and rear: 0 feet unless abutting a residential use (then 10 feet). Possible front setback maximum of 10-20 feet along Main Street.

7. Building orientation and entrances. Orient buildings to public streets/sidewalks, connect main entrances directly with sidewalks. Building entrances should provide weather protection (awnings or recessed entrance).

8. Building signage. Signage should be pedestrian-oriented (blade, awning, building or projecting signs) especially where buildings are transitioning from industrial to commercial/retail.

9. Ground floor window/door requirement. **[would not apply to stand-alone multifamily building; instead would apply existing city design standards for multi-family development to those uses]**

(i) 40-60% of the ground-floor street wall area must consist of openings; i.e., windows or glazed doors would vary for manufacturing or other general employment uses

(ii) Clear glazing is required for ground-floor windows

(iii) Doors and/or primary entrances must be located on the street-facing wall

10. Parking, see Chapter 19.600. Surface parking lots not allowed within 50 feet of Main Street. Parking not allowed between a building front and the street.

11. Landscaping, if different from base zone (15%). (For comparison, the Downtown Commercial landscaping requirement is 10%)

12. Design standards for stand-alone multifamily development; see Section 19.505.3, Design Standards for Multifamily Housing.

13. *Design standards for walls facing streets, use same standards as Section 19.304.6 Design Standards (from Downtown Commercial zone).*

14. *Design standards for windows, use same standards as Section 19.304.6 Design Standards (from Downtown Commercial zone).*

15. *Design standards for roofs, use same standards as Section 19.304.6 Design Standards (from Downtown Commercial zone).*

19.406.8 Subarea 4: Manufacturing.

A. *Subarea boundary. Subarea 4 is the area south of Beta Street.*

B. *Subarea characteristics/intent. Describes the intended character and mix of land uses for the subarea: primarily a manufacturing or general employment district with some flexibility in terms of non-manufacturing uses and promoting higher employment densities.*

C. *Permitted uses. Generally, permitted uses in this subarea will include those uses permitted in the base Manufacturing zone. Depending on the type of amendments (if any) that are made to the permitted use lists in the Manufacturing zone itself, this section may include some additional flexibility for non-manufacturing uses to occur, including allowing small scale retail or other commercial uses as primary uses (with size or other limitations).*

D. *Development standards. Development standards for manufacturing uses will be the standards of the base zone plus additional standards similar to those in the Business Industrial zone (Section 19.310.6). The city is evaluating whether or not to apply additional standards (similar to subarea 3) to non-manufacturing uses in this subarea.*

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