

**CITY OF MILWAUKIE  
PLANNING COMMISSION  
MINUTES  
Milwaukie City Hall  
10722 SE Main Street  
TUESDAY, December 9, 2014, 2014  
6:30 PM**

**COMMISSIONERS PRESENT**

Sine Bone, Chair  
Wilda Parks, Vice Chair  
Scott Barbur  
Greg Hemer  
Shaun Lowcock

**STAFF PRESENT**

Denny Egner, Planning Director  
Li Alligood, Senior Planner  
Vera Kolias, Associate Planner  
Peter Watts, City Attorney

**COMMISSIONERS ABSENT**

Shannah Anderson  
Gabe Storm

**1.0 Call to Order – Procedural Matters\***

**Chair Bone** called the meeting to order at 6:30 p.m. and read the conduct of meeting format into the record.

***Note:** The information presented constitutes summarized minutes only. The meeting video is available by clicking the Video link at <http://www.ci.milwaukie.or.us/meetings>.*

**2.0 Planning Commission Minutes**

**3.0 Information Items**

**Denny Egner, Planning Director**, noted that the Monroe Street Neighborhood Greenway Concept Plan project open house on December 3<sup>rd</sup> was well-attended and commended Vice Chair Parks on chairing the meeting. He added that there was a split opinion on the project so far but there was good feedback received. The consultant team and advisory committee would work on a draft concept plan to bring back to the public in the next few months.

**Vice Chair Parks** stated that it was a good meeting and added that a number of attendees lived elsewhere in Milwaukie but saw the need for improvements along Monroe St.

**4.0 Audience Participation** –This is an opportunity for the public to comment on any item not on the agenda. There was none.

**5.0 Public Hearings**

- 5.1 Summary: Reliable Credit Parking Lot  
Applicant/Owner: Sisul Engineer/ L&B Holzman LLC  
Address: 10605 SE Main St  
File: DR-14-07  
Staff: Vera Kolias

**Chair Bone** called the hearing to order and read the conduct of quasi-judicial hearing format into the record.

**Commissioner Barbur** stated that, as a member of the Historic Milwaukie Neighborhood District Association (NDA), he declared an ex parte contact because the applicant had attended the July 14, 2014, NDA meeting and discussed the demolition of the building. However, he did not participate in the discussion and abstained from the vote of the NDA.

**Commissioner Hemer** declared that he spoke with Val Ballestrem, a Design and Landmarks Committee (DLC) member, and had discussed the design review meeting. The information discussed was no different than what was reflected in the DLC minutes provided in the meeting packet.

**Vera Kolas, Associate Planner**, presented the staff report via PowerPoint. She oriented the Commission to the project site and to the area zoning and uses. She reviewed the proposal to construct a surface parking lot for employees which would include landscaping and additional lighting. She noted that a surface parking lot was a permitted use in this location. The proposal required Downtown Design Review but demolition of the existing building only required a permit issued by the Building Official. A revised site plan was submitted at the DLC meeting and included a seat wall along Main St to the corner of Scott St and more ornamental light fixtures.

**Ms. Kolas** reviewed the approval criteria of compliance with Title 19 and with Downtown Design Guidelines. She identified key issues for the Commission to address with regard to the Downtown Design Guidelines:

- Did the proposed design reinforce Milwaukie's sense of place and provide human scale to the pedestrian environment?
  - Ease of access to the building and sidewalks was addressed in the proposal.
  - The landscaping, seat wall, and lighting provided enclosure, human scale, and safe and comfortable places where people could stop to sit or rest.
  - The DLC recommended a façade wall that would mimic a storefront to provide the street wall, and for the applicant to submit two alternative designs upon submittal of the development review applications.
  - The parking lot as proposed did not provide enough unique qualities or interest to meet the character guidelines.
  - **Ms. Kolas** displayed examples of alternative edge treatments of structural wall facades as recommended by the DLC.
- Was the newly proposed lighting consistent with the recommended ornamental style?
  - **Ms. Kolas** displayed the original proposed lighting, which was the same as the existing lighting in the Reliable Credit Parking lot, and the ornamental lighting recommended by the guidelines, which the revised proposal included.
  - The DLC had recommended a combination of the ornamental and utilitarian lighting; the ornamental would be along Main St and the utilitarian lighting would be allowed to provide additional lighting elsewhere in the parking lot.

**Ms. Kolas** noted that an additional requirement for existing office uses that required a minimum of 44 vehicle spaces and 4 bicycle spaces. A condition for the application was written to address this issue. She reviewed the proposed conditions recommended by the DLC. Several comments submitted were in opposition to the demolition of the building. Staff recommendation was that the proposal complied with the standards and guidelines as conditioned. She reviewed the decision-making options.

**Ms. Kolias** answered questions of the Commission.

- The DLC recommendation was for a structural wall that would include seating that would satisfy the requirement for a place for pedestrians to sit and rest
- The bicycle parking requirement would apply to the entire site, but should be located near the building.
- There would be a total of 34 parking spaces for the entire site, and the number of required vanpool/carpool parking spaces was included.

**Chair Bone** called for the applicant's testimony.

**Lee Holzman, owner of Reliable Credit and subject property, 2542 SW Hillcrest Dr, Portland,** was concerned about available parking in the area around his business once the block to the south at Main St and Harrison St was developed by Metro and the City of Milwaukie. He was doing what he could to minimize that impact for his customers and employees. He noted that there was dialogue with the City to explore other options but those options would need to be long-term solutions. If the parking lot was in fact constructed, he would ensure it would look as pleasing as was possible.

**Tom Sisul, Sisul Engineering, 375 Portland Ave, Gladstone,** addressed the recommendation of the storefront façade and noted that if it was required, the ornamental lighting would be on the backside of the wall and create shadows and block light. There had only been a week to review the DLC's recommendations but his suggestion was to propose the original seat wall and include 4 ft columns that would not block light or sightlines. There was no conflict with the remaining conditions and was willing to adhere to the recommendations.

The applicants answered questions of the Commission.

- Of the 21 current spaces, there were only 10 spaces exclusively for employees. By adding the 13 spaces with this proposal, it would preserve the current customer parking.
- The parking lot would be available for use after business hours; people park in the current lot for the farmers market, etc.
- Regarding the narrow lot, most of the measurements for the proposal were near minimum. The intent of the proposed lot was for employee parking whereas customer parking would be near the entrance to the building. Therefore, there may be less pedestrian frequency in this lot.
- Electric vehicle parking had not been considered but that could be retrofitted later on.
- The shoebox light style was proposed in order to reduce light pollution into the residential units across the street. The recommended ornamental fixtures spread light wider and therefore may result in more shadows. If the shoebox fixtures were used alongside the recommended wall, they would serve to light the parking stalls only rather than provide light along Main St.
- Regarding alternative transportation of the employees, there was one bike rider, one bus rider, and one employee that intended to take light rail once service began.

**Mr. Egner** clarified that the Commission had the final decision authority; and the DLC recommendation was for the development review return to the Committee but it was up to the Commission to decide if that should occur.

**Chair Bone** called for public testimony.

Neutral:

**Denise Baker, 10606 SE Main St**, appreciated the recommended modifications to the proposal, and the applicants for their open communication. She understood that the owner's concerns; however, she saw the amount of people that did business at Wind Horse Coffee, Roger & Ives, and Casa de Tamales. The owner had rights but the guidelines and community wanted retail businesses, not a wall that mimicked retail storefronts. Forward planning needed to be considered and perhaps there were other options to be considered. A plain parking lot would never make a downtown Main St vibrant.

**Charles Mayes, Casa de Tamales**, respected the owner and his right to build the parking lot but hoped Mr. Holzman would reconsider. He noted that Casa de Tamales drew most of its customers from outside of Milwaukie, so was a big draw for downtown. Since the proposed parking lot would be available after hours, the owner could provide electricity, water, and gas hookups lot so that it could be used in the future for such things as food vendors. There would be a lot of people that would be put out of work if the parking lot was built. With regard to the number of employees of the owner that drove single-passenger cars, he hoped that Mr. Holzman could better incentivize carpooling, public, or alternative transportation for his employees.

In Opposition:

**Roger Thompson, 10606 SE Main St**, lived across the street from the property and worked in a business located in the buildings to be demolished. He noted that 90% of the businesses patrons came from outside of the district, which therefore brought customers into the neighborhood that would frequent other businesses. He was a long-time resident and was very encouraged about increased retail on Main St and felt that it was what the downtown really needed. He was concerned as to why employees could not walk to work from other nearby and free parking areas. There were a lot of positive things happening for Milwaukie so removing viable retail on Main St would be detrimental. He encouraged the Commission to mediate with Mr. Holzman to find solutions that would save retail businesses in downtown Milwaukie.

**Cheree Heppe, 10606 SE Main St**, had lived in Milwaukie since 2012. She asked what kind of people it took to make a community; a resident considered the wellbeing of the community as a whole. Community membership was more than just the exercise of rights; it included the mindful application of responsibility and the best interest was not always served by dollars and cents, but by good will. Not many towns retain specialty businesses like ethnic eateries, amazing coffee shops, and trendy art shops. She assumed most of the applicant's employees were sighted and drove; she stated that she was blind and commutes by bus into Portland and walks 10 blocks to work every day. The parking lot across Harrison St seemed to be a viable option for employee parking and seemed to have availability during the week. Removing part of the charm and uniqueness of Milwaukie and replacing it with a parking lot removed business activity and would spoil livability, viability, and flavor of the town. Sometimes it was not about what can be done but what should be done.

**Stephanie Hower, 4185 SE Howe St**, noted she was new resident and homeowner in Milwaukie. She saw that the downtown was growing and rebuilding and chose Milwaukie because she saw the direction it was going in. She disagreed that a parking lot that resulted in

the loss of local businesses contributed in any way to a “sense of place” and therefore did not meet the design guidelines. She commuted by public transit and foot year-round and across busy streets and, along with her, many of her coworkers did not have assigned parking. She noted that her employer supported, encouraged, and funded use of alternative transportation. She addressed the applicant to not be a villain of downtown Milwaukie by closing Main St business but to be a hero by working with the City to help create a safer pedestrian experience. She asked the applicant who they expected to be their customers in a growingly-vacant downtown.

**Ben Rousseau, 3264 SE Lake Rd**, noted he moved to Milwaukie 4 years ago and was drawn by the vibrancy of the farmers market, First Friday event, and other community attractions. He and his family frequented businesses downtown including Wind Horse Coffee, and added that these types of places were important for the community. A parking lot would destroy a sense of place and took the city away from the goals that it was working toward with the Moving Forward Milwaukie project, and would set a negative tone for attracting new businesses to downtown.

**Robert Morgan, 10554 SE Main St**, noted that he was in opposition to the proposal but believed in rights of ownership as well. He understood the struggles Mr. Holzman had with parking, and added that the government had not been accommodating with regard utilizing to the parking lot across the street from Mr. Holzman’s business and other downtown businesses. However, a façade of demolished businesses would appear like a tombstone. He asked the Commission consider other solutions to the parking issue.

**James Knights, 10987 SE 28<sup>th</sup> Ave**, frequented the businesses to be demolished. He was in support of all of the comments given so far. He noted he would be shocked if there was not another solution to satisfy both parties other than removing businesses.

**Chair Bone** asked for questions from the Commission.

**Commissioner Hemer** asked how long the decision would stand for if the Commission made a decision.

- **Ms. Kolias** replied that the permit applications would need to be filed within two years of the decision and completion of construction would need to be completed within four years.
- **Commissioner Hemer** verified that the approval then would be "grandfathered in" once the code changes under the Moving Forward Milwaukie project became effective.

**Chair Bone** closed the public testimony.

The Commission deliberated.

**Vice Chair Parks** noted that the Commission was charged with looking at the code and how the proposal met the approval criteria, and acknowledged that the property owner had the right to demolition. However, it was both difficult and interesting to listen to the different perspectives on this proposal. As a citizen, she hoped that whatever the outcome of the meeting, the discussions would continue to find other solutions that could satisfy the heart of Milwaukie and the business interests of Milwaukie. She liked the idea of installing utilities in order to provide opportunity for community use. Regarding design, she was more in favor of a structural wall rather than a low wall around the parking lot.

**Chair Bone** agreed about the structural wall. She referred to the discussions within the Moving

Forward Milwaukie project with regard to urban design and the street wall, to maintain visual interest for the pedestrian. She also agreed that the proposal was difficult to consider; the Commissioners themselves frequented the businesses involved. There was little the Commission could do with the code as it was written today. She commended the applicant for searching for a solution for his employees, but she hoped that he would continue communication with the Mayor and other staff to find other solutions. She commuted and walked to work herself, and recognized there was a safety problem with the intersection at Main St and Harrison St. However, it was unfortunate that these businesses may be lost in the community.

**Commissioner Barbur** noted the question of the structural wall design element. The seat wall with seating for the pedestrians was important; could the two be combined in order to satisfy both elements. He was also concerned about the safety issues that may come with a wall with regard to lighting and hiding spaces.

**Commissioner Hemer** noted that the proposal, as far as parking lots, included appealing elements. A wall would hide much of that, including the ornamental lighting elements; a solution could be wall-mounted lighting on both sides of the wall. He asked about the time frame of the approval because he understood that the property owner was planning ahead; the current parking lot being used was an opportunity site for development under the MFM [Moving Forward Milwaukie] project. Demolition and construction of the parking lot would be costly, so his speculation was that the owner was protecting his options. He believed the proposal was approvable by the code and the right of the property owner. Creating a condition to consider including utilities would be ideal.

**Commissioner Lowcock** noted from a citizen standpoint, he agreed with the public testimony and concern about the loss of business in downtown for a number of reasons, particularly with the goals of the MFM project in mind. However, the Commission was only tasked with reviewing if the proposal met the approval criteria, and it did. He agreed with the safety concerns about a structural wall. He was in favor of providing utilities to the lot in order to facilitate food carts, etc. He recognized that the property owner was being a sound businessman and protecting his options for the future. He hoped that the hearing process would encourage the owner to keep the dialogue with the City open to find solutions in order to keep the businesses alive.

**Vice Chair Parks** appreciated the concerns about the safety regarding the structural wall.

**Mr. Egner** reminded the Commission that the DLC recommendation included that the application return to the DLC to review the final design elements once permits were to be submitted. He noted that the Commission could condition that the DLC address the lighting concerns and safety issues. There was flexibility for the Commission.

**Chair Bone** noted the specific condition 4.C to amend to require lighting and transparency.

**Vice Chair Parks** noted that the applicant had stated they were willing to work with the community to make the parking lot as fitting as possible and that they were aware of the concern.

**Mr. Watts** noted that there were a few decision points involved; first, did the Commission want to require a wall; secondly, did they want a seating-height wall or a storefront height wall; and lastly, did they want to send it back to the DLC for final design review.

**Mr. Egner** clarified that the DLC recommended a wall with storefront openings that included seating areas.

**Vice Chair Parks** agreed that sending the final design elements back to the DLC was a good condition.

**It was moved by Commissioner Hemer and seconded by Vice Chair Parks to approve land use application DR-14-07 for 10605 SE Main St with the findings and conditions as amended by Condition 4A to include "and shall light the sidewalk and the parking lot". The motion passed unanimously.**

**Commissioner Hemer** asked how this approval related to the amendments that were involved with the Moving Forward Milwaukie plan and code amendments.

**Li Alligood, Senior Planner**, explained that the under current code, surface parking lots were prohibited within 50 ft of Main St south of Harrison St. The existing code treated the area north of Harrison St very differently. The Moving Forward Milwaukie draft code amendments would standardize those requirements to include that prohibition along Main St. She believed that was the reason this application came forward now; once the proposed amendments were approved, this type of application would not be approvable without a variance with high standards.

**Commissioner Lowcock** asked about the parking lots across from City Hall between Harrison St and Jackson St.

**Ms. Alligood** responded that the lots were known as the Texaco Site and was approved as a conditional use.

**Mr. Egner** noted that the Texaco Site was designated as an opportunity site and the City had been approached by developers with interest in the site. Staff would be discussing with City Council early next year about if they would like to move forward with a marketing program for the site. He was unsure what that process would look like, however, and there were some issues to work out if the site were to be developed. He noted that there was a request for the supplemental budget to include funding for an updated downtown parking plan.

## **6.0 Worksession Items**

- 6.1 Summary: CPA-14-02 Moving Forward Milwaukie Downtown Plan and Code Amendments- Downtown & Riverfront Land Use Framework Plan  
Staff: Li Alligood and Denny Egner

**Li Alligood, Senior Planner**, presented the staff report via PowerPoint and noted that this was the 11<sup>th</sup> and final worksession of this project. Tonight was to review the proposed amendments to the Downtown and Riverfront Land Use Framework Plan (Framework Plan).

The Commission had requested staff to provide additional information about incentivizing green building, what programs were in place in other similar communities, and what other certification programs were available. **Ms. Alligood** reviewed the results.

- Ashland and Dallas, OR, had density bonuses for residential projects that were Earth Advantage or LEED certified for a variety of green elements. Certification was verified by a third party.

- Earth Advantage and LEED certifications could be applied to residential, commercial, and mixed-use buildings.
- **Ms. Alligood** clarified that 'density' could mean more but smaller units, an additional story, or floor-to-area ratio (FAR).
- **Commissioner Hemer** was concerned about a height bonuses since many citizens were had issue with taller building heights in downtown.
  - **Ms. Alligood** clarified that the proposal was to reduce the building height in downtown to 3 stories but added that proposals for bonuses would be cumulative for green building and open space that could result in a 5 story building; that would be the maximum height in downtown south of North Main Village.
  - **Mr. Egner** added there could be 3 height or FAR bonus options for including residential, green building, or open spaces in the development, and could be cumulative up to an additional 2 stories.
- **Ms. Alligood** noted that she was seeking direction on which bonuses should be included since the draft proposals would be available to the public on Friday, December 12, along with notice of the public hearing.
- **Chair Bone** believed these incentives should be included in the draft proposals and the menu option would be the best method for up to an additional 2 stories. She acknowledged that maybe these bonuses were not aggressive, but hoped that it would make clear to developers that the community was interested in these features and types of development.
- **Ms. Alligood** confirmed the Commission's direction to include incentives for certifiable green building programs, and to present the options as a menu to choose up to 2 of 3 bonuses.

**Ms. Alligood** continued and presented the proposed amendments to the Downtown and Riverfront Land Use Framework Plan. She summarized the plan that was adopted in 2000 and noted the fundamental concepts about how downtown Milwaukie should function that included the use of anchors and attractors, emphasis on Main St as a healthy retail street, and the importance of connecting downtown to the river. The vision and concepts were implemented through the City's use, design, and development standards.

**Ms. Alligood** referred to the 2013 project Fresh Look Milwaukie: Downtown Road Map that reviewed the vision for downtown, with the resulting findings that the vision still reflected what the community wanted but the Framework Plan should be refreshed. Three adopted plans that helped to refine the vision and draft the proposed amendments were the Transportation System Plan, the Riverfront Park Master Plan, and the South Downtown Concept Plan. She explained how each plan's policies influenced the refreshed Framework Plan with regard to removal of the downtown transit center, final design and concepts of the Riverfront Park, and the defined character of the light rail station area and projects that would shape that area. Projects that have been completed that implement the vision since the Framework Plan's adoption included the North Main Village, Riverfront Park Phase I, the light rail alignment and station, restoration of Kellogg Creek (initiated) and Johnson Creek (completed). Current projects included planning for Kronberg Park, Riverfront Park Phase II, the Kellogg Bicycle and Pedestrian Bridge, and the Adams Street Connector. She displayed the existing and proposed fundamental concepts map for downtown, noting the importance of south downtown and Adams St and 21<sup>st</sup> Ave connections, renewed interest in McLoughlin Blvd and the connection to the Riverfront Park, and the concept of gateways at the north and south ends of downtown.

**Mr. Egner** noted that most of the conceptual illustrations were taken out of the Framework Plan as most of them were no longer applicable or unrealistic.



**Ms. Alligood** added that the Comprehensive Plan and Framework Plan were intended to be broad policy documents but included detailed schematic designs for individual sites that proved to be confusing and misleading because those designs were not the only way those sites could be developed. Staff proposed to remove those schematics to make the plans more clear in terms of concepts and policies rather than setting unrealistic expectations of what a concept may look like.

**Commissioner Lowcock** asked how the proposed dam removal affected the concepts for downtown.

- **Ms. Alligood** responded that the Kellogg-for-Coho initiative assumed the removal of the dam and restoration of Kellogg Creek to occur and the project was incorporated into the Framework Plan.
- **Mr. Egner** noted that the project was currently on hold since the dam removal had to be coordinated with a new McLoughlin Blvd bridge. There were a number of state and federal agencies involved with the project and so the regulatory aspect of the project was complex. There was funding for the restoration of the creek but not for the bridge at this time.

**Chair Bone** requested that the section titles be reconsidered to be more appropriate and indicative.

**The Commission** agreed that the proposed Framework Plan was concise and more readable.

**Mr. Egner** and **Ms. Alligood** suggested that the proposed amendments be available to the public in its entirety on Friday December 12<sup>th</sup> when the public notice was done but for the public hearings be broken up into focus sections. The Commission agreed.

**Commissioner Lowcock** thanked Ms. Alligood and Mr. Egner for their work on this project.

## **7.0 Planning Department Other Business/Updates**

### **7.1 Planning Commission Notebook Update Pages**

## **8.0 Planning Commission Discussion Items**

### **9.0 Forecast for Future Meetings:**

- |                  |   |
|------------------|---|
| January 13, 2015 | 1. Public Hearing: CPA-14-02 Moving Forward Milwaukie<br>Downtown Plan and Code Amendments #1 |
|                  | 2. Public Hearing: DR-14-07 Reliable Credit Parking Lot <i>continued<br/>tentative</i>        |
| January 27, 2015 | 1. Public Hearing: CPA-14-02 Moving Forward Milwaukie<br>Downtown Plan and Code Amendments #2 |

Meeting adjourned at approximately 9:33 p.m.

Respectfully submitted,

Alicia Martin, Administrative Specialist II

  
Sine Bone, Chair