



AGENDA

MILWAUKIE PLANNING COMMISSION Tuesday, February 26, 2013, 6:30 PM

**MILWAUKIE CITY HALL
10722 SE MAIN STREET**

- 1.0 Call to Order - Procedural Matters**
- 2.0 Planning Commission Minutes** – Motion Needed
 - 2.1 January 8, 2013
- 3.0 Information Items**
- 4.0 Audience Participation** – This is an opportunity for the public to comment on any item not on the agenda
- 5.0 Public Hearings** – Public hearings will follow the procedure listed on reverse
 - 5.1 Summary: Veterinary Clinic in Clackamas Federal Credit Union
Applicant/Owner: Mahlum Architects/Clackamas Federal Credit Union
Address: 10400 SE Main St
File: NCU-13-01
Staff: Kari Svanstrom
- 6.0 Worksession Items**
- 7.0 Planning Department Other Business/Updates**
 - 7.1 Summary: Draft 2013 Planning Commission Work Plan discussion
Staff: Steve Butler
- 8.0 Planning Commission Discussion Items** – This is an opportunity for comment or discussion for items not on the agenda.
- 9.0 Forecast for Future Meetings:**
 - March 12, 2013
 - 1. Public Hearing: NCU-13-01 CFCU Vet Clinic 10400 SE Main St *tentative continued*
 - March 19, 2013
 - 1. Joint Session with City Council
 - March 26, 2013
 - 1. Worksession: Stormwater Master Plan

Milwaukie Planning Commission Statement

The Planning Commission serves as an advisory body to, and a resource for, the City Council in land use matters. In this capacity, the mission of the Planning Commission is to articulate the Community's values and commitment to socially and environmentally responsible uses of its resources as reflected in the Comprehensive Plan

1. **PROCEDURAL MATTERS.** If you wish to speak at this meeting, please fill out a yellow card and give to planning staff. Please turn off all personal communication devices during meeting. For background information on agenda items, call the Planning Department at 503-786-7600 or email planning@ci.milwaukie.or.us. Thank You.
2. **PLANNING COMMISSION MINUTES.** Approved PC Minutes can be found on the City website at www.cityofmilwaukie.org
3. **CITY COUNCIL MINUTES** City Council Minutes can be found on the City website at www.cityofmilwaukie.org
4. **FORECAST FOR FUTURE MEETING.** These items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.
5. **TIME LIMIT POLICY.** The Commission intends to end each meeting by 10:00pm. The Planning Commission will pause discussion of agenda items at 9:45pm to discuss whether to continue the agenda item to a future date or finish the agenda item.

Public Hearing Procedure

Those who wish to testify should come to the front podium, state his or her name and address for the record, and remain at the podium until the Chairperson has asked if there are any questions from the Commissioners.

1. **STAFF REPORT.** Each hearing starts with a brief review of the staff report by staff. The report lists the criteria for the land use action being considered, as well as a recommended decision with reasons for that recommendation.
2. **CORRESPONDENCE.** Staff will report any verbal or written correspondence that has been received since the Commission was presented with its meeting packet.
3. **APPLICANT'S PRESENTATION.**
4. **PUBLIC TESTIMONY IN SUPPORT.** Testimony from those in favor of the application.
5. **NEUTRAL PUBLIC TESTIMONY.** Comments or questions from interested persons who are neither in favor of nor opposed to the application.
6. **PUBLIC TESTIMONY IN OPPOSITION.** Testimony from those in opposition to the application.
7. **QUESTIONS FROM COMMISSIONERS.** The commission will have the opportunity to ask for clarification from staff, the applicant, or those who have already testified.
8. **REBUTTAL TESTIMONY FROM APPLICANT.** After all public testimony, the commission will take rebuttal testimony from the applicant.
9. **CLOSING OF PUBLIC HEARING.** The Chairperson will close the public portion of the hearing. The Commission will then enter into deliberation. From this point in the hearing the Commission will not receive any additional testimony from the audience, but may ask questions of anyone who has testified.
10. **COMMISSION DISCUSSION AND ACTION.** It is the Commission's intention to make a decision this evening on each issue on the agenda. Planning Commission decisions may be appealed to the City Council. If you wish to appeal a decision, please contact the Planning Department for information on the procedures and fees involved.
11. **MEETING CONTINUANCE.** Prior to the close of the first public hearing, *any person* may request an opportunity to present additional information at another time. If there is such a request, the Planning Commission will either continue the public hearing to a date certain, or leave the record open for at least seven days for additional written evidence, argument, or testimony. The Planning Commission may ask the applicant to consider granting an extension of the 120-day time period for making a decision if a delay in making a decision could impact the ability of the City to take final action on the application, including resolution of all local appeals.

The City of Milwaukie will make reasonable accommodation for people with disabilities. Please notify us no less than five (5) business days prior to the meeting.

Milwaukie Planning Commission:

Lisa Batey, Chair
Clare Fuchs, Vice Chair
Sine Adams
Shaun Lowcock
Wilda Parks
Gabe Storm
Chris Wilson

Planning Department Staff:

Steve Butler, Planning Director
Ryan Marquardt, Senior Planner
Li Alligood, Associate Planner
Brett Kelter, Associate Planner
Kari Svanstrom, Associate Planner
Alicia Martin, Administrative Specialist II

**CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES**

**Milwaukie City Hall
10722 SE Main Street
TUESDAY, January 8, 2013
6:30 PM**

COMMISSIONERS PRESENT

Lisa Batey, Chair
Clare Fuchs, Vice Chair
Sine Adams
Shaun Lowcock
Wilda Parks
Gabe Storm
Chris Wilson

STAFF PRESENT

Steve Butler, Planning Director
Ryan Marquardt, Senior Planner
Damien Hall, City Attorney

1.0 Call to Order – Procedural Matters*

Chair Batey 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

2.1 November 13, 2012

It was moved by Commissioner Parks and seconded by Commissioner Wilson to approve the November 13, 2012, Planning Commission minutes as presented. The motion passed with Commissioners Fuchs, Adams, and Storm abstaining because they weren't at that meeting.

3.0 Information Items—This item was taken out of order.

Chair Batey introduced and welcomed the new members of the Planning Commission, Sine Adams, Gabe Storm, and Alternate Commissioner Pascal Sauton. She invited them to share their reasons for joining the Planning Commission.

Commissioner Adams stated she moved to Portland in 2004 and has an MA in Planning from PSU. She moved to Milwaukie two years ago and currently is a transportation planner in Portland. She is interested in planning concepts and wants to give back to her community by sharing her knowledge.

Commissioner Storm had been on the Budget Committee for almost 4 years before joining the Planning Commission. He originally moved to Milwaukie in 1988 and moved back 7-8 years ago to start a family. He owns a business in Milwaukie and does graphic design and web design. He is interested in being on the Planning Commission because it plays such an important part in setting the direction for the community.

Alternate Commissioner Pascal Sauton said he owns Milwaukie Kitchen and Wine on Main Street. He has lived in Portland for 16 years. He wants to be involved with the Planning Commission in order to participate in his community, and noted he is hoping to have his business in Milwaukie for a long time and enjoys the City and community around it.

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: Public Area Requirements & Downtown Code

Applicant: City of Milwaukie

File: ZA-12-02

Staff: Ryan Marquardt, Senior Planner

Chair Batey opened the public hearing for ZA-12-02 and read the conduct of continued legislative hearing into the meeting record. No conflicts of interest were declared.

Commissioner Storm abstained from participating in the hearing.

Ryan Marquardt, Senior Planner, presented the revised amendments pursuant to the Commission's direction on November 27, 2012. Staff was requesting a recommendation on the amendments from the Planning Commission to the City Council.

He reviewed the history of the current zoning regarding downtown zones, use regulations, and design and development standards. the summer of 2012, Council directed staff to make some limited zoning amendments to address the frequently occurring issues, including the public area requirments.

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78 **Mr. Marquardt** noted key issues of the revised proposed amendments:

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80 Public area requirements (PARs):

- 81 • Required for new development, or significant redevelopment, in downtown.
- 82 • Exemption for changes of use and additions of less than 1,500 sq ft (decreased from 3,000
- 83 sq ft per direction from Planning Commission).
- 84 • Traffic mitigation could be required if a change in use increased the number of trips.
- 85 • Reimbursement of Fee in Lieu of Construction (FILOC) payments for permits issued
- 86 between August 2012 and the effective date of this ordinance.

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88 Ground-floor uses on Main Street:

- 89 • Current requirement was for only retail or restaurant uses on that frontage.
- 90 • Allowance for up to 25% of a building area for personal/business services.
- 91 • Internal space dimension requirements for new construction to accommodate retail and
- 92 restaurant uses.

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94 Stand-alone retail and restaurant uses in the Downtown Office Zone:

- 95 • Remove requirement of retail and restaurant uses as part of office development or other
- 96 outright permitted uses.
- 97 • Ground floor square footage limit of 5,000 sq ft.
- 98 • Allowance of an additional 5,000 sq ft for manufacturing associated with the primary use, to
- 99 a maximum of 10,000 sq ft total.

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101 Day care and downtown-oriented manufacturing and light industrial uses.

- 102 • Clarify downtown-oriented manufacturing and light industrial uses as specifically allowed if
- 103 associated with a retail storefront or restaurant.
- 104 • Allow day care up to 3,000 sq ft as an outright use in downtown.

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106 **Mr. Marquardt** answered questions from the Planning Commission.

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108 **Chair Batey** opened public testimony.

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Dion Shepard, Historic Milwaukie NDA, liked a moratorium on PARs, but wondered how needed improvements would occur. She felt the reimbursement should go back further. She thought it wasn't right to remove "transit center" from the table, and was concerned about the number of zones in such a small area and about height requirements.

Jean Baker, Historic Milwaukie NDA, was concerned that "public facility improvements" applied to developments throughout the city, and that the downtown code tune-up would extend to affect all of those as well. She wondered what types of traffic mitigation would be possible in downtown, and was concerned about increased traffic with new businesses. She noted that downtown Milwaukie was very walkable but felt a focus on restaurants was misguided and could turn downtown into a "restaurant row." She felt businesses that used the buildings more fully should be encouraged.

Mr. Marquardt responded by clarifying that PARs were a type of frontage improvement that was specific to the downtown zones and were a subset of the citywide public facility improvement requirements. He said that expanding reimbursements to before August 2012 would go beyond Council's direction to staff. He clarified that one stop for light rail was not considered a transit center. The proposed amendments were encouraging retail, personal services, and other uses within downtown zones. Main Street was designated as the primary pedestrian corridor for downtown and addressed differently.

He clarified that Council had directed staff to move forward with a limited set of amendments at this time and that other issues would be addressed in the larger downtown code update in the near future.

Chair Batey closed public testimony and the Commission began their deliberation.

Commissioner Lowcock expressed his confidence that these amendments would not lead to a "restaurant row." He felt that an eye should be kept on development, but he was happy with the amendments as they stood.

Commissioner Wilson wanted something even more pro-business, but felt that this was a great start. He was happy with the amendments as they stood.

Commissioner Parks agreed. She felt the amendments addressed some of the issues that have arisen over the last few years, and felt that the business community would be pleased with these small steps.

Commissioner Adams had concerns about creating a more appropriate downtown plan but felt this was a good step forward for now.

Commissioner Wilson asked about the plan for the Comprehensive Plan update project.

Steve Butler, Planning Director, said that staff was currently proposing to do a more detailed focus on the downtown policies and regulations, with the tentative goal of completion by the end of 2013. This would not be part of the Comprehensive Plan update project. A decision was still pending about when to pursue a major Comprehensive Plan update.

It was moved by Commissioner Lowcock and seconded by Commissioner Wilson to recommend approval to City Council of ZA-12-02, Public Area Requirements & Downtown Code, with the amended Attachment 1 from the memorandum from Ryan Marquardt, dated January 8, 2013. The motion passed unanimously.

6.0 Worksession Items

6.1 Summary: Officer Elections

Staff: Steve Butler

Damien Hall, City Attorney, reviewed the rules and procedures for elections.

It was moved by Commissioner Lowcock and seconded by Commissioner Parks to reelect Chair Batey and Vice Chair Fuchs. The motion passed unanimously.

7.0 Planning Department Other Business/Updates

7.1 Planning Commission Notebook Update Pages

Chair Batey mentioned a staff clarification—if any Commissioners wanted their pages updated by staff, they were requested to please bring them in after each update (not after multiple updates).

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7.2 Adams Street Connector Beacon/Lantern Project

Mr. Butler stated this was a component of the Adams Street Connector project that would incorporate lighting with a historic and cultural aspect. He shared the presentation given to the Design and Landmarks Committee the night before, and noted the DLC was very much in favor of the project.

8.0 Planning Commission Discussion Items

8.1 Kellogg Lake Cleanup Project

Commissioner Lowcock asked about the status of the project and whether the Planning Department was responsible.

Mr. Butler said that the project fell primarily under the Parks and Sustainability Department, that some questions had been raised, and that they were moving forward to answer those questions.

8.2 Assisted Annexations

Chair Batey asked about the status of the last batch of assisted annexations.

Mr. Butler said they were going to Council soon.

Commissioner Wilson asked if there were any "island" properties related to the annexations.

Mr. Butler said that the current process in the Northeast Sewer Extension area was to ask for voluntary compliance by such property owners.

Mr. Hall explained that the term "island" referred to unincorporated property that was surrounded on all sides by City property. He clarified that staff was looking for consent-based annexations—rather than pursuing "island annexations," which wouldn't require the consent of unincorporated property owners.

8.3 Urban Growth Management Area (UGMA)

Chair Batey requested a future worksession on the UGMA work that was going on.

Mr. Butler said staff would schedule a worksession, and noted the upcoming City Council goal-setting would also clarify the process.

9.0 Forecast for Future Meetings:

January 22, 2013 1. TBD

February 12, 2013 1. Worksession: Transportation System Plan (TSP) update

It was moved by Vice Chair Fuchs and seconded by Commissioner Parks to cancel the January 22, 2013, Planning Commission meeting. The motion passed unanimously.

The meeting was adjourned at approximately 7:49 p.m.

Respectfully submitted,

Alicia Martin, Administrative Specialist II
Marcia Hamley, Administrative Specialist II

Lisa Batey, Chair



MILWAUKIE

Dogwood City of the West

To: Planning Commission

Through: Steve Butler, Planning Director,

From: Kari Svanstrom, Associate Planner

Date: February 19, 2013, for February 26, 2013, Public Hearing

Subject: **File:** NCU-13-01

Applicant: Alyssa Leeviraphan, Mahlum Architects (for Clackamas Federal Credit Union)

Owner(s): Clackamas Federal Credit Union

Address: 10400 SE Main St

Legal Description (Map & Taxlot): 11E25CC 00403

NDA: Historic Milwaukie

ACTION REQUESTED

Approve application NCU-13-01 and adopt the recommended Findings and Conditions of Approval found in Attachments 1 and 2. This action would allow for the replacement of the existing nonconforming use (a financial institution) with another nonconforming use (a veterinary clinic) at 10400 SE Main St.

BACKGROUND INFORMATION

The applicant, Clackamas Federal Credit Union ("CFCU" or "the applicant"), is seeking land use approval to replace an existing nonconforming use (a financial institution) with a different nonconforming use (a veterinary clinic) at 10400 SE Main Street.

The site is an approximately 0.8 acre (34,800 square feet) parcel currently developed with a 7,000 square foot, two-story (one story with mezzanine) building. It is currently occupied by CFCU and used as a financial institution. The building was constructed and began operations in the early 1980s, when the zoning for the parcel was General Commercial (C-G), which allowed financial institutions as a permitted use. The current use is therefore a legal nonconforming use in this zone.

To meet the requirements of the DR zone, the site would need to provide a minimum of 24 units of housing, and could have retail or restaurant uses of up to 5,000 sq ft as a limited use. The existing building was designed for commercial uses. The applicant has submitted an analysis that describes why the existing building is not suitable for residential use, including that it has an open mezzanine within the structure, a built-in vault, and drive-through (see Attachments 3 and 4). The applicant submitted a statement that redevelopment of the entire site to include residential is not financially viable at this time due to the existing building on the site, size of the site, and current economic conditions.

CFCU plans to close this location in April 2013 due to lack of profitability, and intends to sell the property. Per MMC 19.803.2, the financial institution use will continue to be a legal nonconforming use for a period of one year after the occupant ceases operations. After a period of one year of vacancy, the site will lose its nonconforming status and any subsequent use shall conform to all applicable land use and development regulations.

The applicant has submitted an analysis that describes the difficulty in finding a buyer that would operate the facility as a financial institution due to the changing nature of the banking sector. The applicant has found a potential buyer who proposes to use the property as a veterinary clinic that specializes in the treatment of pets (limited to cats and dogs) with cancer and other conditions requiring specialty care. The applicant's proposal is to replace the existing legal nonconforming use with a different nonconforming use, a veterinary clinic. This use is not allowed outright or conditionally under the current Downtown Residential DR zoning.

The applicant's narrative describes the proposed veterinary clinic use of the site in detail. The use will be primarily contained within the building, with a small enclosed exterior area for dogs to relieve themselves and for owners to visit with their animals. The applicant has stated that this area will be limited to one animal at a time and under supervision by staff or the animal's owner.

The applicant has indicated to staff that they will propose alterations and/or expansion to the existing building and site subsequent to this current land use application. These modifications will require a future land use application which would be a Type III land use application for expansion of a Nonconforming Use (NCU) and Downtown Design Review (DR) due to its location in downtown. If exterior modifications are proposed, a Natural Resource (NR) review will also be required.

A. Site and Vicinity

The site is located at 10400 SE Main St. The site contains a 7,000 square foot building with a drive through, 34 parking spaces, and various small landscaped areas throughout the parking lot. The building was constructed in 1983, and has had only minor modifications to the building since that time (interior partition reconfiguration, replacement of HVAC, etc.).

The site has a Natural Resources (NR) overlay, and the southeast corner of the site contains a Water Quality Resource (WQR) area. See Attachment 5 for maps of the site.

The east side of Main Street in the north downtown area, including this property, is zoned Downtown Residential DR; the west side is zoned Downtown Commercial DC. While retail and commercial are currently the predominant land uses in the north downtown area, the current vision for the area is to establish housing in close proximity to downtown shopping, transit and open space amenities.

The surrounding area along Main Street includes a variety of commercial uses, including a bowling alley, pizza parlor, fitness center, financial institution, and restaurant/lounge, many of which were constructed in the 1960's. The North Main Village mixed use downtown residential/retail and restaurant development is three parcels to the south of the subject property. This development, completed in 2007, is the closest residential use to the site. It is the only residential development that has been completed in the DR zone since the zoning of the area changed in 2000. Staff is not aware of any proposed residential developments in the DR zone.

B. Zoning Designation

Downtown Residential DR, with a Natural Resources NR overlay on the east portion of the site.

C. Comprehensive Plan Designation

Town Center TC

D. Land Use History

City records indicate no previous land use actions for this site.

E. Proposal

The applicant is seeking land use approval to allow a nonconforming use alteration to use the building as a veterinary clinic. The proposed approval is subject to the criteria in 19.804. The proposal includes the following:

1. Allow a veterinary clinic as a legal nonconforming use at 10400 SE Main St.

The project requires approval of the following application:

1. NCU-13-01 Nonconforming Use Alteration Request: The replacement of an existing nonconforming use with a new nonconforming use requires Type III Nonconforming Use review.

KEY ISSUES

Summary

The two main relevant criteria for this application are found in MMC 19.804.1.B.2, which states that, "if a nonconforming use involving a structure is replaced by another use, the new use shall conform to Title 19 unless the Planning Commission determines that such structure is suitable only for another nonconforming use through a Type III review per Section 19.1006. The applicant shall demonstrate the new nonconforming use would be no more detrimental to surrounding properties than the one it is replacing."

Staff has identified the following key issues for the Planning Commission's deliberation. Aspects of the proposal not listed below are addressed in the Findings (see Attachment 1) and generally require less analysis and discretion by the Commission.

- A. Is the building suitable only for another nonconforming use?

- B. Will the proposed change in nonconforming use result in more of a detriment to surrounding properties than the existing nonconforming use?

Analysis

A. Is the building suitable only for another nonconforming use?

For a use to be conforming in this zone, the development would need to include a minimum of 24 units of housing. Since the existing building's design does not support an outright permitted use, the property owner's options are as follows:

- 1) Continue to use the building as a financial institution.
- 2) Allow the building to become vacant if another financial institution use is not found.
- 3) Redevelop the building and/or site into residential use.
- 4) Obtain Planning Commission approval to allow a different nonconforming use that is appropriate for the design of the building.

(1)The applicant's narrative states that their business cannot support the branch currently located at this site, and that the banking industry as a whole is decreasing the number of retail outlets. The applicant has indicated that selling the property to another financial institution is therefore unlikely.

(2)The second option (i.e. allowing the building to become vacant) does not meet the goals of the downtown zones, which encourage street-level activity and active storefronts that provide an attractive environment for shoppers, employees, and residents.

(3) The applicant has stated that the building is not suitable for residential use. The building's design does not support the outright permitted use, and conversion to residential units would likely require costly retrofits as well as a sizable addition. Staff concurs that achieving the minimum 24 units of housing required by the code would require significance investment in the building.

In terms of redevelopment of the entire site, the applicant has stated that finding a developer who would redevelop the site for residential use is not likely at this time due to the economic conditions, size of site, and current investment in the site.

Staff feels that the building in question is not ripe for redevelopment given the age of the building and its likely remaining useful life and current market conditions.

(4) The current nonconforming use was a permitted use at the time the building was constructed. The change to the current zoning of Downtown Residential occurred well after this time. The zoning change affects the usability of the existing commercially designed/constructed building.

B. Will the proposed change in nonconforming use result in more of a detriment to surrounding properties than the existing nonconforming use?

There are several categories of potential impacts that could be compared between the existing and proposed uses, including traffic, hours of operation, and noise.

The City's Engineering department has determined that the proposed use would generate substantially fewer vehicle trips per day than a financial institution of the same size.

Many of the trips generated by the financial institution are from the public coming to either the drive-through or to the bank lobby. These trips are generally brief visits for various banking transactions, such as in-person deposits and ATM withdrawals, with some longer visits for loan applications and the like. Therefore, the traffic generated is likely to be less of a detriment to the surrounding properties than the current use.

Hours of operation proposed by the applicant for the veterinary clinic use, between 8:00am and 6:00pm, are similar to the current use, which had hours of 9 am to 5:30 pm Monday through Friday and Saturdays 9 am to 1 pm. Similarly, as no changes to the building are proposed at this time, the aesthetics of the building will remain the same between uses.

The applicant states that their use of exterior spaces will be limited to a small enclosed and controlled outdoor area where individual dogs will be allowed under the supervision of a staff member or the animal's owner. Animals will not be permitted to roam outdoors unattended. The noise generated by this use is likely to be minimal and not cause a further detriment to surrounding properties.

CONCLUSIONS

A. Staff recommendation to the Planning Commission is as follows:

1. Approve the Nonconforming Use Alteration request to allow a veterinary clinic as a legal nonconforming use. This will result in a veterinary clinic being allowed to operate as a legal nonconforming use at 10400 SE Main Street. Any alterations or expansions of the building would be subject to MMC 19.804 Nonconforming Use Alterations and may be subject to MMC 19.906 Development Review and MMC 19.907 Downtown Design Review.
2. Adopt the attached Findings and Conditions of Approval.

B. Staff recommends the following key conditions of approval (see Attachment 2 for the full list of Conditions of Approval):

To ensure that the proposed use results in no more of a detriment to surrounding properties than the current use, the following conditions will apply:

- Hours of Operation shall be within the times of 8 am to 6 pm.
- No kenneling or overnight accommodation of animals shall be provided.
- Animals treated shall be limited to dogs, cats, and other small household pets.
- Use of outdoor areas for animals shall be limited to one animal at a time, and shall be accompanied by a staff person or the animal's owner at all times.

Note that there are no physical changes proposed to the property at this time.

CODE AUTHORITY AND DECISION-MAKING PROCESS

The proposal is subject to the following provisions of the Milwaukie Zoning Ordinance, which is Title 19 of the Milwaukie Municipal Code (MMC).

- MMC 19.304 Downtown Zones

- MMC 19.600 Parking and Off Street Loading
- MMC 19.804 Alteration of Nonconforming Uses and Development
- MMC 19.1006 Type III Review

This application is subject to Type III review, which requires the Planning Commission to consider whether the applicant has demonstrated compliance with the code sections shown above. In Type III reviews, the Commission assesses the application against review criteria and development standards and evaluates testimony and evidence received at the public hearing.

The Commission has four decision-making options as follows:

1. Approve the application subject to the recommended Findings and Conditions of Approval.
2. Approve the application with modified Findings and Conditions of Approval. Such modifications need to be read into the record.
3. Deny the application upon finding that it does not meet approval criteria, and draft Findings of Denial.
4. Continue the hearing to a later date. This option should be exercised if the Planning commission requires more time for deliberation or needs additional information about the application, or if new information is presented at the hearing that affects the approvability of the application.

The final decision on these applications, which includes any appeals to the City Council, must be made by May 28, 2013, in accordance with the Oregon Revised Statutes and the Milwaukie Zoning Ordinance. The applicant can waive the time period in which the application must be decided.

COMMENTS

Notice of the proposed changes was given to the following agencies and persons: City of Milwaukie Community Development, Building, and Engineering Departments; City Manager; Historic Milwaukie Neighborhood District Association (NDA); and Clackamas County Fire District #1. The following is a summary of the comments received by the City. See Attachment 6 for further details.

- **Tom Larson, Building Official, City of Milwaukie Building Department:** Building and related permits will be required for any remodeling or addition to the building. Any remodeling that will affect the use of, or access to, an area containing a primary function will trigger ADA upgrades (to a maximum of 25% of the remodeling budget).
- **Brad Albert, Civil Engineer, City of Milwaukie Engineering Department:** The Engineering Department evaluated the vehicular traffic generation to and from the site for the existing and proposed uses. Staff determined that the number of vehicle trips would reduce for the proposed use in comparison to the existing use. Therefore, MMC Chapter 19.700 was not triggered by this application.

ATTACHMENTS

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

	Early PC Mailing	PC Packet	Public Copies	E- Packet
1. Recommended Findings in Support of Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. Recommended Conditions of Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3. Applicant's Narrative and Supporting Documentation dated January 11, 2013.				
a. Narrative	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Site Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Preapplication Conference Report	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
d. Application Forms	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4. Applicant's additional info submitted 10 days before the hearing				
a. Additional narrative information received 2/13/13	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
5. Site Information:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
a. Zoning Map				
b. Site Map				
6. Comments Received	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
7. List of Record	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Key:

Early PC Mailing = paper materials provided to Planning Commission at the time of public notice 20 days prior to the hearing.

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

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-75> .

**Recommended Findings in Support of Approval
File #NCU-13-01, 10400 SE Main St**

Sections of the Milwaukie Municipal Code not addressed in these findings are found to be inapplicable to the decision on this application.

1. The applicant, Clackamas Federal Credit Union (CFCU), has applied for approval to replace a legal nonconforming use (financial institution) with a different nonconforming use (veterinary clinic) at 10400 SE Main St. This site is in the Downtown Residential Zone DR. The land use application file number is NCU-13-01.
2. The project site is 10400 SE Main St, Tax Lot 12E25CC 00403. The site is an approximately 0.8 acre (34,800 square feet) parcel developed with a 7,000 square foot, two-story (one story with mezzanine) building. It is currently occupied by CFCU and used as a financial institution. The building was constructed and began operations when the zoning for the parcel was General Commercial C-G, which allows financial institutions as a permitted use. The current use is therefore a legal nonconforming use.
3. The base zone of the site is Downtown Residential DR, and the Comprehensive Plan land use designation is Town Center TC. The site has a Natural Resources (NR) overlay, and there is a Water Quality Resource (WQR) area located on the southeast corner of the site.
4. The site has been in use as a financial institution since 1983. The zoning for the site in 1983 was General Commercial, which allowed financial institutions. The zoning was changed to Downtown Residential in 2000; at that time, financial institutions became prohibited, and the use became a legal nonconforming use.
5. The applicant proposes to sell the property to a new owner who proposes to establish a veterinary clinic on the site. The proposed veterinary clinic would specialize in the treatment of pets (limited to dogs, cats, and other small household pets) with cancer and other conditions requiring specialty care.
6. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC 19.304 Downtown Zones
 - MMC 19.600 Off-Street Parking and Loading
 - MMC 19.804 Alteration of Nonconforming Uses and Development
 - MMC 19.1006 Type III Review
7. MMC 19.804 Alteration of Uses and Development
 - A. MMC 19.804.1.A establishes three provisions for approving an alteration to a nonconforming use:
 1. *MMC 19.804.1.A.1 states that a nonconforming use shall not be moved, in whole or in part, to any portion of the site other than that occupied by the nonconforming use, except as allowed per Subsection 19.804.1.B.1.*

The applicant is not proposing to move the existing structure or use. The Planning Commission finds that MMC 19.804.1.A.1 does not apply to this application.
 2. *MMC 19.804.1.A.2 states that no additional development or physical alterations associated with the nonconforming use shall occur, except as allowed per Subsection 19.804.1.B.1.*

The applicant is not proposing any additional development or physical alterations at this time. While the applicant has indicated they may propose such changes in the future, these will be subject to review of Subsection 19.804.1.B.1, and are not a part of this land use application. The Planning Commission finds that MMC 19.804.1.A.2 does not apply to this application.

3. *MMC 19.804.1.A.3 states that no intensification of the nonconforming use shall occur, except as allowed per Subsection 19.804.1.B.1. Alterations that decrease the intensity of the nonconforming use are allowed.*

The proposed veterinary clinic is anticipated to generate less vehicular traffic than the current financial institution use. The hours of the clinic are proposed to be business hours Monday through Saturday, with no overnight boarding of animals. These hours are similar to the CFCU's hours, which were Monday through Friday 9:00-5:30, and Saturday mornings until 1 pm. Staff therefore believes overall that the proposed nonconforming use will decrease the intensity of use of the site.

Alterations that decrease the intensity of the nonconforming use including changes of use, are allowed. The Planning Commission finds that provision 19.804.1.A.3 has been met.

- B. MMC 19.804.1.B establishes the requirement for a land use review and that the application meet the following criteria for approval of an alteration to a nonconforming use:

1. *MMC 19.804.1.B.2 states that, if a nonconforming use involving a structure is replaced by another use, the new use shall conform to Title 19 unless the Planning Commission determines that such structure is suitable only for another nonconforming use through a Type III review. The applicant shall demonstrate the new nonconforming use would be no more detrimental to surrounding properties than the one it is replacing.*

For a use to be conforming in this zone, the development would need to include a minimum of 24 units of housing. The existing building is a 7,000 square foot building with an open mezzanine, a built-in bank vault, and a drive through window. It was designed and constructed as a commercial office building. The building's lot placement, design, and infrastructure are such that the current building is not adequate for conversion to residential units. The Planning Commission finds that this criterion is met.

2. *MMC 19.804.1.B.2 also states that the applicant shall demonstrate the new nonconforming use would be no more detrimental to surrounding properties than the one it is replacing.*

The City's Engineering Department has determined that the proposed use would generate substantially fewer vehicle trips per day than a financial institution of the same size. Many of the trips generated by the financial institution are from the public coming to either the drive-through or to the bank lobby. The traffic generated is likely to be less of a detriment to the surrounding properties than the current use.

Hours of operation for the proposed veterinary clinic use, Monday through Saturday between 8 a.m. and 5 p.m., are similar to the current use, which had hours of 9 am to 5:30 pm Monday through Friday and Saturdays 9 am to 1 pm (hours have been reduced to ATM access only at this time).

The applicant has stated that their use of exterior spaces will be limited to a small enclosed and controlled outdoor area where individual dogs will be allowed under the supervision of a staff member or owners. Animals will not be permitted to roam outdoors unattended. The noise generated by this use is likely to be minimal and not cause a further detriment to surrounding properties.

As conditioned, the Planning Commission finds that this criterion has been met.

8. MMC 19.304 Downtown Zones

MMC 19.304 establishes criteria for both uses and development in downtown zones. Two Subsections are applicable to this proposal:

A. *MMC 19.304.3 outlines permitted uses in the downtown zones.*

The DR zone requires 30 dwelling units per net acre. Financial institutions are not currently permitted uses in the Downtown Residential zone DR. A veterinary clinic is not a permitted use in the DR zone.

The current use is a legal nonconforming use, as financial institutions were allowed at the site when the site was first use as a financial institution in 1983, and as such may continue operations until such time that it has ceased operations for a year.

Approval of the land use application NCU-13-01 would allow the veterinary clinic to operate as a legal nonconforming use, and therefore be exempt from the residential density requirement until such time as the land use approval expires or the site is redeveloped. If the property is redeveloped in the future, the residential density requirements in place for the property's zone at that time will be applicable. As proposed, the Planning Commission finds that this criterion is met.

B. MMC 19.304.4 sets development standards for development of property in downtown zones. The applicable standards at this time are landscaping and off-street parking.

Minimum landscaping of 15% is required in the DR zone.

The 8,150 sq ft, or 23%, of the site is landscaped. This standard is met.

9. MMC 19.600 Off-Street Parking and Loading

MMC 19.600 establishes criteria for off-street parking minimum and maximums.

A. *Minimum parking requirements on site for a veterinary clinic use is 27 spaces; maximum parking permitted on site is 34 spaces.*

There are currently 34 existing off-street parking spaces on the site. The Planning Commission finds that this standard is met.

B. *Bicycle parking required per MMC 19.609.2 shall be 10% of required vehicle parking therefore, 3 spaces shall be provided.*

There are currently 3 bicycle parking spaces. The Planning Commission finds that this standard is met.

10. Public notice has been provided in accordance with MMC Subsection 19.1006.3 Type III Public Notice. A public hearing was held on February 26, 2013, as required by law.

11. The application was referred to the following departments and agencies on January 28, 2013:

- Milwaukie Building Division
- Milwaukie Engineering Department

- Milwaukie City Manager
- Clackamas County Fire District #1
- Historic Milwaukie Neighborhood District Association Chairperson and Land Use Committee

The comments received are summarized as follows:

- **Tom Larson, Building Official, City of Milwaukie Building Department:** Building and related permits will be required for any remodeling or addition to the building. Any remodeling that will affect the use of, or access to, an area containing a primary function will trigger ADA upgrades (to a maximum of 25% of the remodeling budget).
- **Brad Albert, Civil Engineer, City of Milwaukie Engineering Department:** The Engineering Department evaluated the vehicular traffic generation to and from the site for the existing and proposed uses. Staff determined that the number of vehicle trips would reduce for the proposed use in comparison to the existing use. Therefore, MMC Chapter 19.700 was not triggered with this application.

Recommended Conditions of Approval
File #NCU-13-01, 10400 SE Main St

1. The site shall be used in a manner as proposed and approved through this land use action and as submitted in materials date stamped by the City on January 11, 2013 and February 12, 2013. This includes:
 - a. Hours of Operation for regular business shall be within the times of 8 am to 6 pm. Variations for special evening events no later than 10 pm and no more than once a month are excepted from this requirement.
 - b. No kenneling or overnight accommodation of animals shall be provided.
 - c. Animals treated shall be limited to dogs, cats, and other small household pets.
 - d. Animals shall be accompanied by a staff person or pet owner at all times in any outdoor areas intended for use by animals.
2. The site and use shall be modified from the original proposal only as described in these conditions of approval. All other modifications shall be through a formal modification process per MMC 19.804.
3. Pursuant to Subsection 19.1001.7.E, this land use approval will expire if not utilized within 4 years from the date of approval.

Advisory Notes

1. Any signs on-site must comply with the standards of MMC 14.16.060 Downtown Zones. Permanent or daily display signs require sign permits; permanent signs may require land use review.



TYPE III LAND USE REVIEW – NONCONFORMING USE ALTERATION
10400 SE Main Street | Milwaukie, OR 97222

11 January 2013

Required land use application forms and fees

Application for Land Use Action signed by applicant

Submittal Requirements signed by applicant

Land Use Type III Application fee of \$2000

Proof of ownership or eligibility to initiate application

See attached *Application for Land Use Action* from current property owner.

Detailed and comprehensive description of proposed use

The site is currently owned and occupied by a financial institution, which is a legal nonconforming use in the Downtown Residential zone. The proposed nonconforming use is a specialty veterinary surgery and oncology clinic. This new use will be non-detrimental to the surrounding properties.

Veterinary Cancer and Surgery Specialists intends to build a comprehensive veterinary oncology center to provide medical, surgical, and radiation oncology consultations and services to the regional pet owning population. Their clients (pet owners) and patients (dogs and cats) come from all over the Pacific Northwest for specialized care. Their goal is to provide state of the art compassionate care to patients and their owners. This boutique oncology and surgery practice will surpass the care provided by any competing specialty clinic.

Veterinary Cancer and Surgery Specialists is excited to become a part of the Milwaukie community and will integrate well with the downtown environment. The Milwaukie site is especially desirable to this veterinary clinic which specializes in the treatment of pets with cancer and other conditions requiring complex or specialized surgeries. With its wide draw of clientele, ease of highway access to this property makes it an ideal location. The existing shops and restaurants in the neighborhood will also provide desirable services to the clinic's staff and clientele, including opportunities for convenience shopping and dining. In addition, specialty veterinary practices provide family wage salaries to members of the community.

The doctors were immediately drawn to the natural features of the property with its existing trees and nearby "water quality resource area". The proximity of the adjacent pond enhances their vision to provide a tranquil outdoor space for stress relief to their clients and staff. This resource provides an excellent opportunity to create a meditative garden for clients to wait while patients are having surgery or chemo or radiation therapy, and offers a serene environment for pet owners who may be dealing with end of life treatment for their pets.

Veterinary Cancer and Surgery Specialists plans to convert the existing building to fit their program. Since they will provide radiation treatment care to their patients, this highly specialized space will most likely result in a building addition. As with human care, the radiation unit will be held to strict shielding requirements to ensure containment of radiation and prevent any impact on the surrounding environment. This building modification will require an additional Type III review which will be addressed at a later date. Other exterior building alterations that may be addressed in the future review could include a more inviting and friendly site entry sequence, upgrades to the building facades, as well as integration of additional site features and landscaping.

As a care center where patients receive chemotherapy and other cancer care, it is imperative that the facility be kept both clean and sanitary. There will be a small enclosed and controlled outdoor area where dogs can visit for short periods of time, and only under the supervised care of a staff member. This specialty referral veterinary facility will be open during typical business hours Monday-Saturday. There will be no overnight patient accommodation provided. Given the number of patients seen during the course of a typical day, existing traffic patterns will see limited impact.

This warm and welcoming facility will integrate nicely into the existing neighborhood as well as the planned vibrant downtown residential setting. In fact, veterinary hospitals and clinics are commonly sited in or near residential and planned community settings. Studies show that the majority of pet owners view their pets as members of the family therefore the ability to seek care close to residential areas is important.

With Oregon ranking as the 3rd highest pet-owning population in the U.S., demand for primary care veterinary clinics and veterinary specialists is high. Oregon is a premiere location for pet care and downtown Milwaukie would be an ideal central location for this unique state of the art facility.

Dr. Kim Freeman graduated from the University of Pennsylvania with a BA in 1994. She earned her veterinary medical degree from the University of Tennessee, Knoxville in 1999. Dr. Freeman completed a one year internship in small animal medicine and surgery in 2000 at the Atlantic Veterinary College in Prince Edward Island, Canada. Dr. Freeman completed a three year residency training program at Gulf Coast Veterinary Specialists in Houston, TX in 2003 and became a board certified veterinary oncologist through the American College of Veterinary Internal Medicine that same year. She moved to Portland in 2003 to work as a staff veterinary oncologist at Northwest Veterinary Specialists. In 2009, Dr. Freeman opened her own practice, the Veterinary Cancer Referral Center, LLC. Due to an increase in caseload and practice success, she hired an associate veterinary oncologist in 2012. Dr. Freeman is published in several veterinary medical journals, an active member of the Portland veterinary medical community, has served on the Portland Veterinary Medical Association executive board, and provides continuing education lectures both locally and regionally. She is also an avid hiker, skier, Ultimate Frisbee player, occasional surfer, and cherishes spending time with her husband, two dogs and cat.

Dr. John Wooldridge graduated from the University of British Columbia with a BSc in Zoology/Physiology in 1987, before graduating from the University of Prince Edward Island with a Doctor of Veterinary Medicine degree in 1993. He completed an internship in small animal medicine and surgery at The Animal Medical Center in New York City in 1994, and then a residency in small animal surgery at the University of California, Davis in 1998, before becoming board-certified as a specialist in small animal surgery by the American College of Veterinary Surgeons. Dr. Wooldridge was employed for almost ten years as a staff surgeon at Northwest Veterinary Specialists in Clackamas, before founding his current practice, Veterinary Surgery & Orthopedics, LLC, in Milwaukie, in 2009. With the growth of this practice, expansion and partnership with Dr. Freeman has been planned.

Applicable and specific approval criteria and development standards

Base zone standards: The site is currently zoned Downtown Residential (DR). The Downtown Residential Zone was established to increase housing opportunities in close proximity to downtown shopping, transit, and open space opportunities. In order to meet the development requirements of the DR zone the property would need to include 24 apartment or condominium units located close to and oriented to the public sidewalk. The existing building does not meet the requirement for the DR zone and therefore would be suitable only for another nonconforming use. See attached Clackamas Federal Credit Union document for additional information.

Overlay zone standards: Natural Resources Overlay. There is a small portion of the site (SE corner) which contains a Water Quality Resource area (WQR). If development occurs within the WQR, it will be to enhance the natural setting and bring it closer to its intended state. The vet clinic envisions a meditation garden which could integrate well with this natural setting. If development occurs, all changes will adhere to City requirements. A construction management plan will be submitted as required.

Supplementary development regulations: There are no supplementary development regulations applicable to this project.

Off-street parking and loading requirements: Chapter 19.605.1 requires parking for commercial services to be provided at a rate of 3.9 spaces per 1,000 SF of floor area minimum and 4.9 spaces per 1,000 SF maximum. The parking area spacing and aisles will comply with 19.606.1. Landscaping on site will provide a minimum of 4'-0" of landscape along the right-of-way and a landscape buffer between the site and the neighboring properties. Trees will be planted at no more than 40'-0" spacing and site landscaping will be equal to 25 SF for each parking stall minimum. Pedestrian access and site lighting will be provided in compliance with 19.606.3.

Public facility standards and requirements: Chapter 19.700 ensures redevelopments provide public facilities in rough proportion to their public facility impacts. We believe the minor modifications to this existing structure will not change, or perhaps may even decrease the intensity of use on the site. We also expect the change in use to decrease the number of vehicle trips from the prior use.

Site plan

A site plan of the property is attached.

Pre-application conference report

A copy of the valid *Pre-Application Conference Report* (ID# 12-018PA) is attached.

January 11, 2013

City of Milwaukie
6101 SE Johnson Creek Blvd
Milwaukie, Oregon 97206

Re: Location on 10400 Southeast Main Street, Milwaukie, Oregon

MILWAUKIE BRANCH UNPROFITABLE

Clackamas Federal Credit Union has operated a branch at 10400 Southeast Main Street in downtown Milwaukie since 1999. In recent years, thanks in large part to the slow recovery from recession and the low interest rates that have accompanied it, the branch has become increasingly unprofitable. Unfortunately, the downtown Milwaukie market has not been able to generate the loans needed to maintain profitability. Loan balances at the Main Street location have fallen 8% per year since 2010, while the rest of the credit union has seen 2% growth.

As a result of falling loan balances and interest rates, rising expenses, and the relatively low potential of the downtown Milwaukie market, Clackamas made the difficult decision in 2012 to close the branch and sell the property.

FINANCIAL INSTITUTIONS NATIONWIDE ARE CLOSING BRANCHES

Since 1997, the number of financial institutions (banks and credit unions) has fallen 36% nationwide, from 22,574 to 14,446.¹ In the wake of this consolidation, the number of branches initially increased, as the average bank has grown from 8 branches to 13. However, since 2009, with the recession, financial institutions are now closing their branches more frequently. The number of branches for banks and credit unions nationwide has dropped from 119,625 in June 2011 to 118,745 in June 2012, a 1% decline.

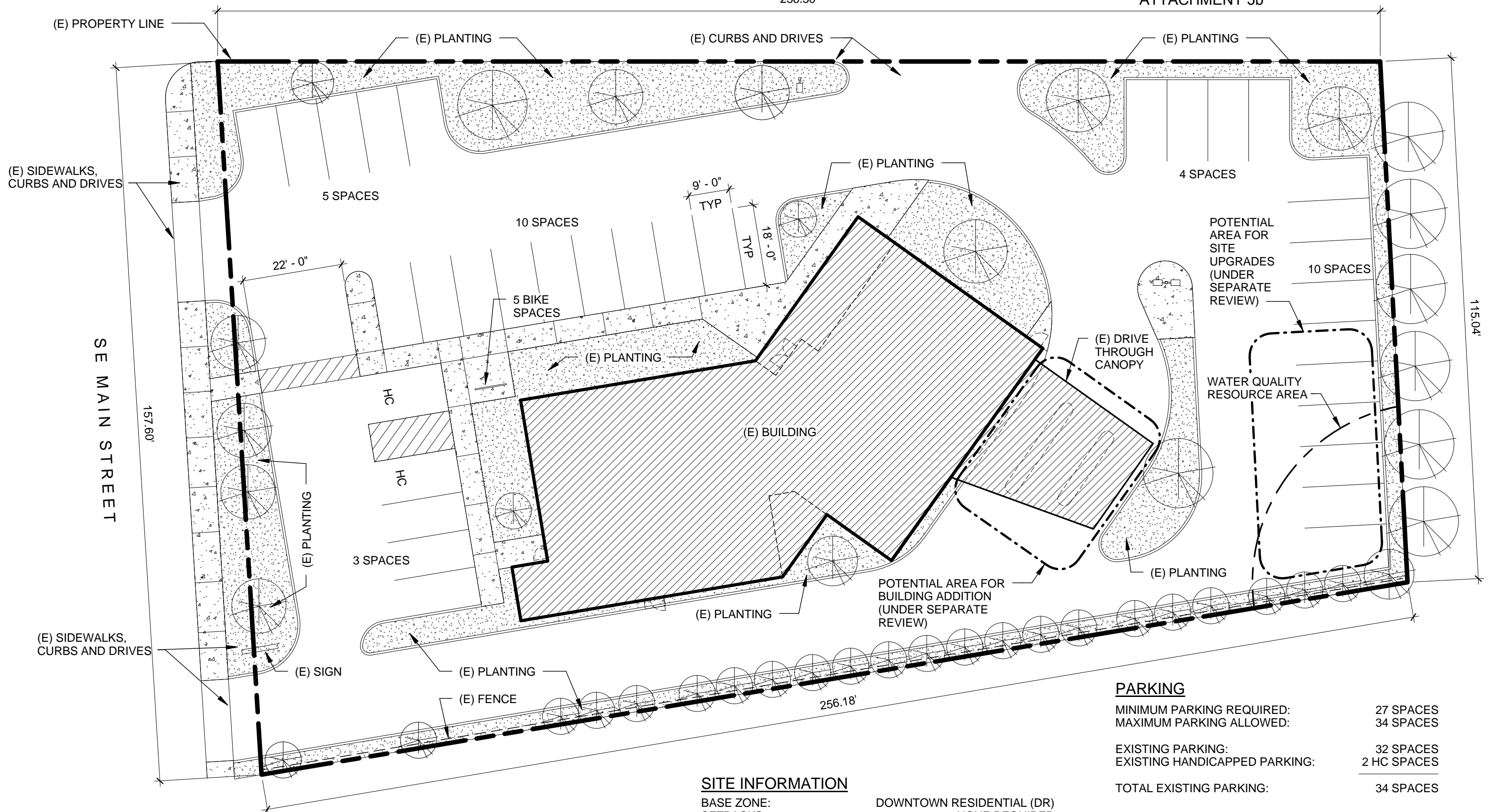
With the retail financial industry no longer expanding physical branch locations, Clackamas will have difficulty finding a financial institution willing to purchase the Main Street property at a reasonable price.

¹ Source: FDIC Quarterly Bank Profile and U.S. Credit Union Profile, September 2012

PROPERTY UNSUITABLE FOR RESIDENTIAL USE

The building at this location was designed for and has always been used as a financial institution since it was built in the early 1980's, including drive up and concrete vault room. To meet the current Downtown Zone development standard for this site (19.304.4) the new owner would have to tear down the existing building and start anew, because the new standard requires a residential density of a minimum of 10-30 units per acre.

The design, lot placement, and infrastructure of the current building are not adequate to meet those new requirements. Spending the money to redesign and upgrade to meet those new density criteria would be very cost prohibitive. Unless all the adjacent properties were also for sale and a major developer could absorb all those costs in a single downtown redevelopment, it is unlikely that type of upgrade would happen on just our small parcel.



SITE INFORMATION

BASE ZONE:	DOWNTOWN RESIDENTIAL (DR)
SETBACKS:	NONE REQUIRED
EXISTING SITE AREA:	34,800 SF
PERCENT LANDSCAPE REQUIRED:	15%
LANDSCAPED AREA:	8,150 SF
PERCENT LANDSCAPE PROVIDED:	23%
EXISTING BUILDING AREA:	7,000 SF
BUILDING HEIGHT MIN:	0'
BUILDING HEIGHT MAX:	45' - 65'
EXISTING BUILDING HEIGHT:	24'



PARKING

MINIMUM PARKING REQUIRED:	27 SPACES
MAXIMUM PARKING ALLOWED:	34 SPACES
EXISTING PARKING:	32 SPACES
EXISTING HANDICAPPED PARKING:	2 HC SPACES
TOTAL EXISTING PARKING:	34 SPACES

LANDSCAPING FOR PARKING AREAS

INTERIOR PARKING LANDSCAPE REQUIRED:	25 SF/ PARKING SPACE X 34 SPACES
	850 SF REQUIRED
INTERIOR PARKING LANDSCAPE PROVIDED:	2,400 SF PROVIDED

CITY OF MILWAUKIE

PreApp Project ID #: 12-018PA

PRE-APPLICATION CONFERENCE REPORT

This report is provided as a follow-up to a meeting that was held on 12/20/2012 at 10:00AM

Applicant Name: Warren Lenox

Company: Clackamas Federal Credit Union

Applicant 'Role': Owner

Address Line 1: PO Box 2020

Address Line 2:

City, State Zip: Oregon City OR 97045

Project Name:

Description:

ProjectAddress: 10400 SE Main St

Zone: Downtown Residential DR

Occupancy Group:

ConstructionType:

Use: Current: financial institution. Proposed: veterinary clinic

Occupant Load:

AppsPresent: Alyssa Leevipaphan, Paul Migchelbrink, Warren Lenox, Andrew Vahrenkamp, Cindy Brown, Ken Triplett

Staff Attendance: Steve Butler, Li Alligood, Brad Albert

BUILDING ISSUES

ADA:

Structural:

Mechanical:

Plumbing:

Plumb Site Utilities:

Electrical:

Notes: No Specific Comments at this time.

Please note all drawings must be individually rolled. If the drawings are small enough to fold they must be individually folded.

FIRE MARSHAL ISSUES

Fire Sprinklers:

Fire Alarms:

Fire Hydrants:

Turn Arounds:

Addressing:

Fire Protection:

Fire Access:

Hazardous Mat.:

Fire Marshal Notes: Please see attached.

PUBLIC WORKS ISSUES

Water: The water System Development Charge (SDC) is based on the size of water meter serving the property. The corresponding water SDC will be assessed with installation of a water meter. Water SDC credit will be provided based on the size of any existing water meter serving the property removed from service. The water SDC will be assessed and collected at the time the building permits are issued.

Sewer: Currently, the wastewater System Development Charge (SDC) is \$893.00 per connection unit. The wastewater SDC is assessed using a plumbing fixture count from Table 7-3 of the Uniform Plumbing Code. The wastewater SDC connection units are calculated by dividing the fixture count of new plumbing fixtures by sixteen. The wastewater SDC will be assessed and collected at the time the building permits are issued.

Storm: Submission of a storm water management plan by a qualified professional engineer is required as part of the proposed development. The plan shall conform to Section 2 - Stormwater Design Standards of the City of Milwaukie Pubic Works Standards.
The storm water management plan shall include a narrative and map describing the existing drainage system of the existing development property and adjacent streets. The narrative and map shall describe the runoff from existing impervious surface, existing rain drains and drainage pipe, and existing drainage structures. Also, the plan shall describe how the existing drainage system will function with the proposed development, including any expected modifications to the existing drainage system. The storm water management plan shall demonstrate that the post-development runoff does not exceed the pre-development, including any existing storm water management facilities serving the development property. Also, the plan shall demonstrate compliance with water quality standards for all new impervious area, including replacement of existing impervious area.
The storm SDC is based on the amount of new impervious surface constructed at the site. One storm SDC unit is the equivalent of 2,706 square feet of impervious surface. The storm SDC is currently \$1,184 per residential dwelling unit. The storm SDC will be assessed and collected at the time the building permits are issued.

Street:	N/A
Frontage:	N/A
Right of Way:	N/A
Driveways:	N/A
Erosion Control:	<p>Per Code Section 16.28.020(C), an erosion control permit is required prior to placement of fill, site clearing, or land disturbances, including but not limited to grubbing, clearing or removal of ground vegetation, grading, excavation, or other activities, any of which results in the disturbance or exposure of soils exceeding five hundred square feet.</p> <p>Code Section 16.28.020(E) states that an erosion control permit is required prior to issuance of building permits or approval of construction plans. Also, Section 16.28.020(B) states that an erosion control plan that meets the requirements of Section 16.28.030 is required prior to any approval of an erosion control permit.</p>
Traffic Impact Study:	N/A
PW Notes:	<p>TRANSPORTATION SDC</p> <p>The Transportation SDC is based on the increase in trips generated per the Trip Generation Handbook from the Institute of Transportation Engineers. The SDC for transportation is \$1,676 per trip generated. Credits are given for any demolished structures, which shall be based upon the existing use of the structures. The Transportation SDC is assessed and collected at the time the building permits are issued.</p> <p>PARKS & RECREATION SDC</p> <p>The Parks and Recreation SDC is based on an increase number of employees. Employee data is calculated using Table 5-4 of North Clackamas Parks & Recreation District System Development Charges Update Methodology Report dated September 28, 2007. The employment data of Table 5-4 is based on an increase in floor area and/or change in use for a proposed development. The SDC for parks and recreation is \$60.00 per additional employee. The Parks and Recreation SDC is assessed and collected at the time the building permits are issued.</p>

PLANNING ISSUES

Setbacks:	Downtown Residential Zone DR: no minimum or maximum street setback, no required side or rear setback except as required by MMC 19.304.4.5.
Landscape:	15% of the site must be landscaped. Landscaping should consist of a variety of lawn, trees, shrubbery, and ground cover.
Parking:	<p>The City's parking requirements are located in Chapter 19.600. Minimum parking required on site for a veterinary clinic use is 27 spaces; maximum parking permitted on site is 34. There are currently 34 existing off-street parking spaces on the site (including 2 ADA spaces). The applicant has proposed removal of some parking spaces for additional landscaping.</p> <p>Parking area improvements are triggered by expansions or change of use, and will be triggered by a change from bank to veterinary clinic or office. These improvements are limited to 10% of the permit value, and can include paving, striping, landscaping, and bicycle parking.</p>

Transportation Review: The City's transportation requirements are located in MMC 19.700. The Engineering Department has determined that this chapter is not triggered by the proposed change in use.

Application Procedures: The proposal is subject to Nonconforming Use Alteration (NCU) review, Downtown Design Review (DR), Natural Resource (NR) review and Development (DEV) review.

Nonconforming Use Alteration (NCU): The site is currently occupied by a financial institution use, which is a legal nonconforming use in the DR zone. NCU approval is required to a) permit a different nonconforming use on the site, such as the proposed veterinary clinic, and b) to expand the building.

These NCU applications can be submitted concurrently or separately. Each application is reviewed through a Type III review per MMC 19.1006, and the application fee is \$2,000. The approval criteria for NCU applications are in MMC 19.804.

Downtown Design Review (DR): The site is located in the downtown residential zone; any exterior alterations are subject to DR. An addition to the building is subject to Type III review per MMC 19.1006, and the application fee is \$2,000. The approval criteria for DR applications are in MMC 19.907.7.

Smaller exterior alterations, such as alterations to the façade, may be eligible for Type I or Type II review. The details of the proposal will determine which review type is required. The application fee for Type I review is \$200, and the application fee for Type II review is \$1,000. The approval criteria for Type I and II DR applications are in MMC 19.907.7.

The following reviews take place after NCU and DR review, and will be required before start of construction:

Natural Resource Review (NR): The site is located within 100 ft of a protected water feature. After approval of the NCU and DR applications, and before start of construction, submittal of a Construction Management Plan (CMP) is required. The CMP is subject to Type I review per MMC 10.1004, and there is no application fee. The requirements for a CMP are in MMC 19.402.9.

The southeast corner of the site contains a Water Quality Resource (WQR) area. As long as the disturbance within the WQR is equal to or less than 150 sf, it is exempt from land use review per MMC 19.402.4. If the disturbance is more than 150 sf, it is subject to Type II review per MMC 10.1005. The application fee for Type II review is \$1000. The approval criteria for Type II NR applications are in MMC 19.402.12.

Development Review (DEV): After approval of the NCU and DR applications, and before start of construction, DEV approval will be required. The application is reviewed through a Type I review per MMC 19.1004, and the application fee is \$200. The application requirements and approval criteria for a DEV application are in MMC 19.906.

For the City's initial review, the applicant should submit 5 complete copies of the application, including all required forms and checklists. A determination of the application's completeness will be issued within 30 days. If deemed incomplete, additional information will be requested. If deemed complete, additional copies of the application will be required for referral to other departments, the Neighborhood District Association (NDA), and other relevant parties and agencies. City staff will inform the applicant of the total number of copies needed.

Type III applications are quasi-judicial in nature and are decided by the Planning Commission at a public hearing. The Planning Commission hears land use applications on the second and fourth Tuesdays of every month, and completed applications need to be submitted to the Planning Department

no later than 45 days prior to the target Planning Commission hearing. In general, staff recommends that applications be submitted one to two weeks before the 45-day deadline in order to ensure that there is time to make the applications complete if they are initially deemed incomplete. Once the Planning Commission renders a decision, there is a fifteen calendar-day appeal period. The timeline for review and approval is 3 – 4 months. Building permits will be accepted for review only after the appeal period for all land use decisions has expired.

Type II applications are administrative in nature and are decided by the Planning Director. The timeline for review and approval is 30 – 45 days.

Type I applications are administrative in nature and are decided by the Planning Director. The timeline for review and approval is generally 10 business days.

Land use application submission materials are listed below for your convenience. Please refer to the handouts distributed at the pre-application conference for more detailed information.

1. All applicable land use applications forms with signatures of property owners.
2. All applicable land use application fees.
3. Completed and signed 'Submittal Requirements' form.
4. Completed and signed 'Site Plan Checklist and Procedures' form.
4. Five copies of an existing conditions and a proposed conditions site plan, both to scale. These two site plans can be combined onto one site plan. Once the application is deemed complete, additional copies will be requested for distribution to City departments, applicable governmental agencies, and the neighborhood district association for review.
5. Detailed narrative describing compliance with all applicable code sections.

Natural Resource Review: The property contains mapped water quality resource areas (WQR) and is subject to natural resource review. See 'Application Procedures.'

Lot Geography: The site is generally rectilinear in shape.

Planning Notes: 1) The applicant may choose to apply for approval in two phases: 1) Submit the Type III NCU application to gain approval for transitioning the existing nonconforming financial institution use to another nonconforming use. The proposed use is a veterinary clinic. 2) Once NCU approval for the use has been obtained, the applicant may apply for Type III DR and NCU approval to expand the building. Once these approvals have been obtained, the NR and DEV applications can be submitted.

2) Additional information is needed for determination of the level of DR and NR review required for the proposal, including: extent of revisions to the façade; area of additional landscaping to be installed; and whether any trees will be removed as part of the site development.

3) The applicant should be prepared to compare the amount of investment needed and existing market demand to establish a conforming use on the site (a residential use). The Planning Commission will likely be interested in a comparison of redevelopment of the site to a conforming use and continuation of the existing nonconforming situation.

4) The preapplication conference is valid for purposes of submitting future land use applications as described in 19.1002.4. In general, a preapplication conference is valid for 2 years.

5) The Milwaukie Municipal Code is available online at <http://www.qcode.us/codes/milwaukie/>

ADDITIONAL NOTES AND ISSUES

County Health Notes:

Other Notes:

This is only preliminary preapplication conference information based on the applicant's proposal and does not cover all possible development scenarios. Other requirements may be added after an applicant submits land use applications or building permits. City policies and code requirements are subject to change. If you have any questions, please contact the City staff that attended the conference (listed on Page 1). Contact numbers for these staff are City staff listed at the end of the report.

Sincerely,

City of Milwaukie Development Review Team

BUILDING DEPARTMENT

Tom Larsen - Building Official - 503-786-7611

Bonnie Lanz - Permit Specialist - 503-786-7613

ENGINEERING DEPARTMENT

Gary Parkin - City Engineer - 503-786-7601

Brad Albert - Civil Engineer - 503-786-7609

Zach Weigel - Civil Engineer - 503-786-7610

Jason Rice - Civil Engineer - 503-786-7605

Matt Palmer - Associate Engineer - 503-786-7602

COMMUNITY DEVELOPMENT DEPARTMENT

Jeanne Garst - Administrative Supervisor - 503-786-7655

Marcia Hamley - Admin Specialist - 503-786-7656

Blanca Marston - Admin Specialist - 503-786-7600

Alicia Martin - Admin Specialist - 503-786-7600

PLANNING DEPARTMENT

Stephen Butler - Planning Director - 503-786-7652

Ryan Marquardt - Senior Planner - 503-786-7658

Brett Kelter - Associate Planner - 503-786-7657

Li Alligood - Associate Planner - 503-786-7627

Kari Svanstrom - Associate Planner - 503-786-7653

CLACKAMAS FIRE DISTRICT

Mike Boumann - Lieutenant Deputy Fire Marshal - 503-742-2673

Clackamas County Fire District #1

Fire Prevention Office



E-mail Memorandum

To: City of Milwaukie Planning Department
From: Shawn Olson, Clackamas Fire District #1
Date: 12/20/2012
Re: 10400 SE Main St.-Clackamas Federal Credit Union

The Clackamas Fire District #1 has no comments regarding access and water supply on this proposed submittal.

Thank you.



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 #: _____

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"/> Land Division:	<input type="checkbox"/> Planned Development
<input type="checkbox"/> Comprehensive Plan Text Amendment	<input type="checkbox"/> Final Plat	<input type="checkbox"/> Residential Dwelling
<input type="checkbox"/> Comprehensive Plan Map Amendment	<input type="checkbox"/> Lot Consolidation	<input type="checkbox"/> Accessory Dwelling Unit
<input type="checkbox"/> Zoning Text Amendment	<input type="checkbox"/> Partition	<input type="checkbox"/> Duplex
<input type="checkbox"/> Zoning Map Amendment	<input type="checkbox"/> Property Line Adjustment	<input type="checkbox"/> Manufactured Dwelling Park
<input type="checkbox"/> Code Interpretation	<input type="checkbox"/> Replat	<input type="checkbox"/> Temporary Dwelling Unit
<input type="checkbox"/> Community Service Use	<input type="checkbox"/> Subdivision	<input type="checkbox"/> Sign Review
<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Miscellaneous:	<input type="checkbox"/> Transportation Facilities Review
<input type="checkbox"/> Development Review	<input type="checkbox"/> Barbed Wire Fencing	<input type="checkbox"/> Variance
<input type="checkbox"/> Director Determination	<input type="checkbox"/> Bee Colony	<input type="checkbox"/> Use Exception
<input type="checkbox"/> Downtown Design Review	<input type="checkbox"/> Mixed Use Overlay Review	<input type="checkbox"/> Variance
<input type="checkbox"/> Extension to Existing Approval	<input type="checkbox"/> Modification to Existing Approval	<input type="checkbox"/> Willamette Greenway Review
<input type="checkbox"/> Historic Resource	<input type="checkbox"/> Natural Resource Review	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Alteration	<input checked="" type="checkbox"/> Nonconforming Use Alteration	Use separate application forms for:
<input type="checkbox"/> Demolition	<input type="checkbox"/> Parking:	• Annexation and/or Boundary Change
<input type="checkbox"/> Status Designation	<input type="checkbox"/> Quantity Determination	• Compensation for Reduction in Property Value (Measure 37)
<input type="checkbox"/> Status Deletion	<input type="checkbox"/> Quantity Modification	• Daily Display Sign
	<input type="checkbox"/> Shared Parking	• Appeal
	<input type="checkbox"/> Structured Parking	

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant—see reverse): <u>CLACKAMAS FEDERAL CREDIT UNION</u>	
Mailing address: <u>18600 SE McLoughlin, Oak Grove</u> Zip: <u>97267</u>	
Phone(s): <u>503 656-0671</u>	E-mail: <u>WARREN.L@clackamasfcu.org</u>
APPLICANT'S REPRESENTATIVE (if different than above): <u>ALYSSA LEEVIRAPHAN, MAHLUM ARCHITECTS</u>	
Mailing address: <u>1231 NW HOYT ST., SUITE 102</u> Zip: <u>97209</u>	
Phone(s): <u>503.224.4032</u>	E-mail: <u>alysa@mahlum.com</u>

SITE INFORMATION:

Address: <u>10400 SE MAIN ST.</u>	Map & Tax Lot(s): <u>11E25CC00403</u>
Comprehensive Plan Designation: <u>TC</u>	Zoning: <u>DR</u> Size of property: <u>34,800 SF (0.8 ACRES)</u>

PROPOSAL (describe briefly):

<u>REPLACE EXISTING NONCONFORMING USE (FINANCIAL INSTITUTION)</u> <u>WITH DIFFERENT NONCONFORMING USE (VETERINARY CLINIC)</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: <u>[Signature]</u>	Date: <u>1/11/2013</u>

IMPORTANT INFORMATION ON REVERSE SIDE

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 Milwaukie 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		\$			\$	
Concurrent application files		\$			\$	
		\$			\$	
		\$			\$	
		\$			\$	
SUBTOTALS		\$			\$	
TOTAL AMOUNT RECEIVED: \$			RECEIPT #:			RCD BY:
Associated application file #s (appeals, modifications, previous approvals, etc.):						
Neighborhood District Association(s):						
Notes:						

*After discount (if any)



TYPE III LAND USE REVIEW – NONCONFORMING USE ALTERATION
10400 SE Main Street | Milwaukie, OR 97222

11 February 2013

Additional Information for Existing and Proposed Use

- :: Clackamas Federal Credit Union's business hours were from 9:00am to 5:30pm, Monday through Friday. Staff generally arrived at 8:00am and left at 6:00pm.
- :: Clackamas Federal Credit Union generally had between 9-11 staff members in the building at any one time. This included branch staff as well as their marketing department.
- :: Veterinary Cancer and Surgery Specialists anticipates a total of approximately 14 staff members, including 3 doctors and 11 support staff.
- :: Veterinary Cancer and Surgery Specialists anticipates hours of operation for scheduled appointments to be from 8:00am to 5:00pm, Monday through Saturday, with staff generally there between 7:30am and 6:00pm.
- :: Veterinary Cancer and Surgery Specialist anticipates seeing approximately 10 to 18 total clients spread out over the course of the work day, with an anticipated maximum of approximately 20 people (including staff and clients) on site at any one time. Appointment lengths will vary based on patient treatment.



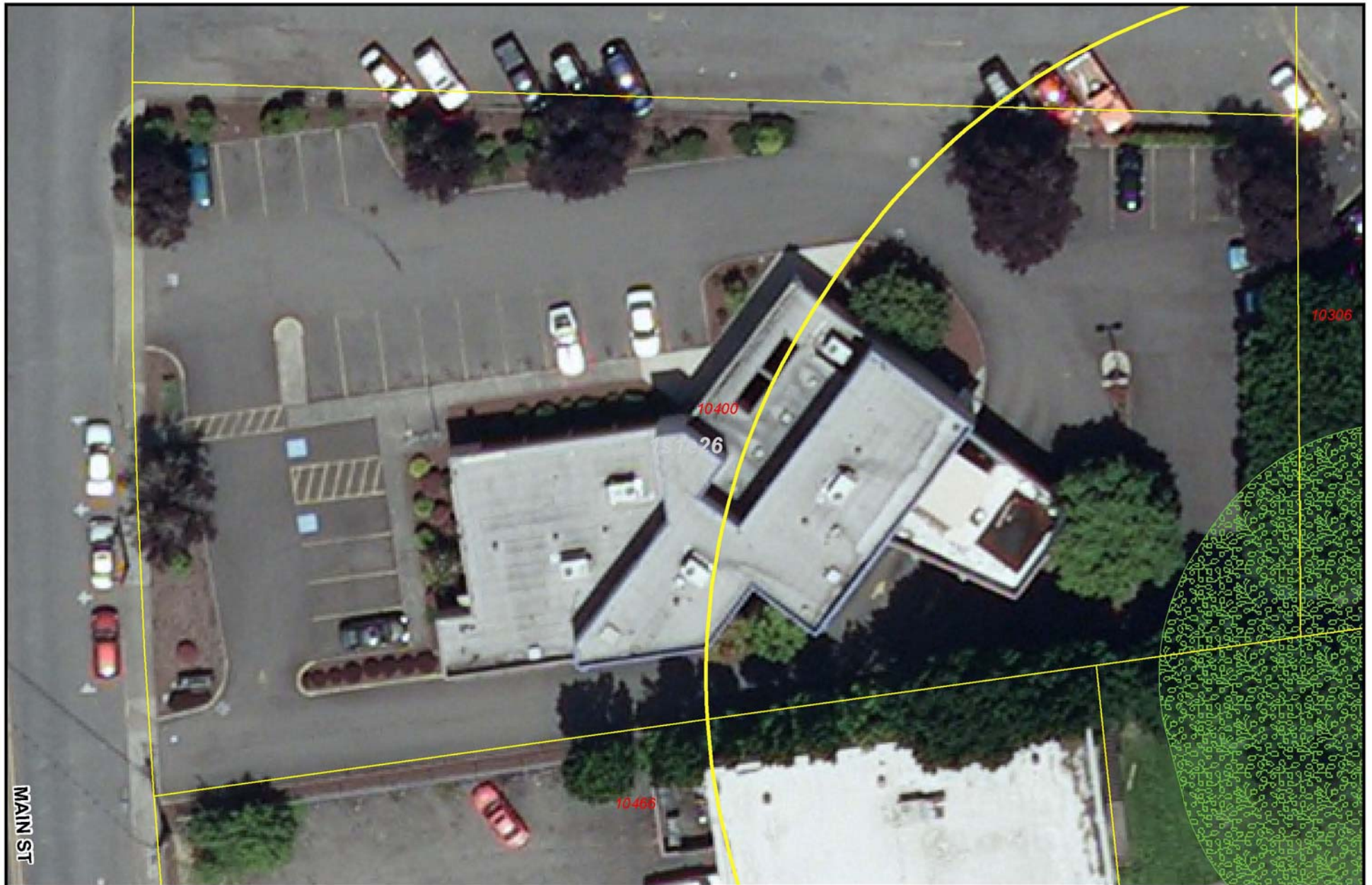
Milwaukie Planning Dept.
Data: City of Milwaukie GIS;
Metro RLIS
Date: 12/20/2012
Author: MarquardtR

1 inch = 100 feet



0 20 40 80 120 160 Feet

The information depicted on this map is for general reference only. The City of Milwaukee does not accept any responsibility for errors, omissions or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product.



Site Map

Milwaukie Planning Dept.
Data: City of Milwaukie GIS;
Metro RLIS
Date: 12/20/2012
Author: MarquardtR

1 inch = 30 feet

0 5 10 20 30 40
Feet



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**CITY OF MILWAUKIE
BUILDING
DEPARTMENT**

Memo

To: Kari Svantsrom, Associate Planner

From: Tom Larsen, Building Official *TL*

Date: January 29, 2013

Re: NCU-13-01; 10400 SE Main St

Building and related permits will be required for any remodeling or addition to the building.

Any remodeling that will affect the use of, or access to, an area containing a primary function will trigger ADA upgrades (to a maximum of 25% of the remodeling budget).

MEMORANDUM

TO: Community Development Department
THROUGH: Steve Butler, Interim Community Development Director
FROM: Brad Albert, Civil Engineer
RE: Nonconforming Use Alteration – 10400 SE Main Street
NCU-13-01
DATE: February 5, 2013

Replace a legal nonconforming use (financial institution) with a different nonconforming use (veterinary clinic) in the Downtown Residential Zone.

1. MMC Chapter 19.700 – Transportation Planning, Design Standards, and Procedures

The Engineering Department finds that MMC Chapter 19.700 does apply to this application.

Recommended Conditions of Approval

None

Other notes

The Engineering Department evaluated the vehicular traffic generation to and from the site for the existing and proposed uses. Staff determined that the number of vehicle trips would reduce for the proposed use in comparison to the existing use. Therefore, MMC Chapter 19.700 was not triggered with this application.

Exhibits List for Land Use File NCU-13-01

The following documents are part of the official record for this application:

1. Application
 - A. Application submittal forms – land use application form, property owner authorization, submittal requirements form
 - B. Application narrative and responses to code standards and criteria (2 part narrative, memo by Mahlum Architects dated January 11, 2013, and memo from Clackamas Federal Credit Union, also dated January 11, 2013)
 - C. Site Plans
 - i) Site plans
 - D. Milwaukie Pre-application conference report, December 20, 2012 (#12-018PA)
 - E. Additional information dated February 11, 2013 (received February 12, 2013) from Mahlum Architects
2. Notification information
 - A. Application Referral sent January 28, 2013 – referred to Milwaukie Engineering Department, Milwaukie Building Official, Milwaukie City Manager, Clackamas County Fire District #1, and Chairs and Land Use Committee for Historic Milwaukie Neighborhood District Associations
 - B. Mailing sent February 6, 2013 to property owners and occupants of properties within 300 ft of 10400 SE Main St.
 - C. Hearing notice posted on site
 - i) Affidavit of posting from applicant, February 8, 2013
 - ii) Photos of posted notice signs
3. Materials from City Planning Staff
 - A. Staff Report – February 19, 2013 for February 26, 2013 Public Hearing
4. Comments Received
 - A. Milwaukie Building Official
 - B. Milwaukie Engineering Department