



CITY OF MILWAUKIE

November 13, 2019

Land Use File(s): CU-2019-002

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Commission on November 12, 2019.

Applicant:	Michael Cerbo
Location:	3701 SE International Way
Tax Lot:	1S1E36DA 0100
Application Type:	Major Modification to a Conditional Use
Decision:	Approved
Review Criteria:	Milwaukie Zoning Ordinance: <ul style="list-style-type: none">• MMC Section 19.307 General Commercial Zone (C-G)• MMC Section 19.905 Conditional Uses• MMC Section 19.1006 Type III Review
Neighborhood(s):	(none)

Appeal period closes: 5:00 p.m., November 29, 2019

This notice is issued in accordance with Milwaukie Municipal Code (MMC) Section 19.1006 Type III Review. The complete case file for this application is available for review by appointment between 8:00 a.m. and 5:00 p.m. on regular business days at the Planning Department, Johnson Creek Facility, 6101 SE Johnson Creek Blvd. Please contact Vera Koliass, Associate Planner, at 503-786-7653 or koliassv@milwaukieoregon.gov, if you wish to view this case file.

This decision may be appealed by 5:00 p.m. on November 29, 2019, which is 15 days from the date of this decision.¹ (Note: Please arrive by 4:45 p.m. for appeal payment processing.) Only persons who submitted comments or made an appearance of record at the public hearing have standing to appeal the decision by filing a written appeal. An appeal of this decision would be heard by the Milwaukie City Council following the procedures of MMC Section 19.1010 Appeals. This decision will become final on the date above if no appeal is filed during the

¹ As per MMC Section 19.1010, if the 15th day falls on a weekend or legal holiday, the end of the appeal period shall be extended to the end of the next business day.

appeal period. Milwaukie Planning staff can provide information regarding forms, fees, and the appeal process at 503-786-7630 or planning@milwaukieoregon.gov.

Per MMC Subsection 19.1001.7.E, this land use approval expires unless the development utilizes its approvals within 4 years of land use approval. Extensions can be granted per MMC Section 19.908.

Findings in Support of Approval

The Findings for this application are included as Exhibit 1.

Conditions of Approval

None

Other requirements

The following items are not conditions of approval necessary to meet applicable land use review criteria but relate to other development standards and permitting requirements.

1. Conditional Use Permit

As per MMC Subsection 19.905.6, the City will issue a conditional use permit upon the approval of this application to establish a conditional use or allow major modification of an existing conditional use. The conditional use permit will include the following information:

- a. A description of the use that has been approved by the City.
- b. Restrictions and/or conditions of approval placed upon the use.
- c. Ongoing responsibilities required for the operation of the conditional use.
- d. Allowance for the transfer of rights and responsibilities upon change in ownership of either the use or the property containing the use.
- e. Procedures for review, revisions, and suspension of the conditional use permit.

The applicant must record the conditional use permit with the Clackamas County Recorder's Office and provide a copy to the City.



Dennis Egner, FAICP
Planning Director

Exhibits

1. Findings in Support of Approval

cc: Michael Cerbo, Applicant (Galloway, 6162 S. Willow Dr., Suite 320, Greenwood Village, CO 80111)
Planning Commission (via email)
Leila Aman, Community Development Director (via email)
Steve Adams, City Engineer (via email)
Engineering Development Review (via email)
Samantha Vandagriff, Building Official (via email)
Stephanie Marcinkiewicz, Inspector/Plans Examiner (via email)
Harmony Drake, Permit Technician (via email)
Mike Boumann and Izak Hamilton, CFD#1 (via email)

Land Use File(s): CU-2019-002

Address File: 3701 SE International Way

Findings in Support of Approval
File #CU-2019-002
Major Modification to a Conditional Use for Public Storage

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

1. The applicant, Michael Cerbo on behalf of Public Storage Properties, has applied for a major modification to a conditional use to allow a conversion of approximately 4,800 sq ft of office space into additional self-storage space. The property is split into two zones: The Business Industrial zone (BI) and the General Commercial zone (C-G). The proposed office conversion is located in the C-G zone. The project area is located at 3701 SE International Way. The land use application file number is CU-2019-002.
2. The Planning Commission approved a conditional use for self-storage facilities on the site in 1989 (land use file #CU-89-02). One of the original conditions of approval required that +/- 6,000 sq ft of the structure facing 37th Ave to be used for uses permitted outright in the C-G zone. The majority of the 145,000-sq ft site is zoned BI. Approximately 25% of the site, fronting 37th Ave, is zoned C-G. At the time of the conditional use approval for the site self-storage was determined to be a “similar use” to the list of conditional uses in the C-G zone. The applicant is seeking land use approval to allow the conversion of 4,800 sq ft of underutilized office space, that is within the C-G zone, into an additional 98 units of self-storage space. No modifications outside of the existing building area are proposed. This expansion of the self-storage use requires approval of a major modification to a conditional use.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Section 19.307 General Commercial Zone (C-G)
 - MMC Section 19.905 Conditional Uses
 - MMC Section 19.1006 Type III Review

The applicant’s submittal is an application for Major Modification to a Conditional Use. The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review.

Public notice was sent to property owners and current residents within 300 ft of the subject property on October 23, 2019. A public hearing was held on November 12, 2019, as required by law.

4. MMC Section 19.307 General Commercial Zone (C-G)

MMC 19.307 establishes the allowable uses and development standards for the C-G zone.

 - a. MMC Subsection 19.307.2 Conditional Uses Permitted

MMC 19.307.2 establishes the uses allowed with conditional use approval in the C-G zone, including animal hospital or boarding kennel, auditorium or stadium, contractor's storage yard, sheet metal shop, and other similar uses.

As determined in the original 1989 land use approval, self-storage is similar to the listed use "contractor's storage" and could be evaluated as a conditional use.

Consistent with the original conditional use approval, and that 26 storage units currently are located in the C-G zone, the Planning Commission finds that self-storage is an allowed use subject to conditional use approval in the C-G zone.

As proposed, and as addressed elsewhere in these findings, the Planning Commission finds that the proposal is subject to conditional use approval.

5. MMC Section 19.905 Conditional Uses

MMC 19.905 establishes a process for evaluating certain uses that may be appropriately located in some zoning districts, if appropriate for the specific site on which they are proposed. MMC Subsection 19.905.2.A provides that the provisions of Section 19.905 apply to uses identified as a conditional use in the base zone in Chapter 19.300, such as those identified for the C-G zone in MMC Subsection 19.307.2. MMC Subsection 19.905.3.A provides that the major modification of a conditional use shall be evaluated through a Type III review per Section 19.1006.

The proposal to convert 4,800 sq ft of office space into additional storage units in the operation of Public Storage at the subject property constitutes a request to modify an existing conditional use in the C-G zone and to alter a condition of approval, which is determined to be a major modification and is subject to Type III review.

a. MMC Subsection 19.905.4 Approval Criteria

MMC Subsection 19.905.4.A establishes the following approval criteria for a major modification of a conditional use:

- (1) The characteristics of the lot are suitable for the proposed use considering size, shape, location, topography, existing improvements, and natural features.

Adding 98 storage units to the existing 598 existing storage units represents a 16% increase in the number of units on the site. Access to the units is between 6:00 a.m. and 9:00 p.m. seven days a week. A 16% increase is not significant given that the units are accessible 15 hours per day. In general, the self-storage use will decrease the intensity of the use at this location, generating fewer vehicular trips and decreasing the impact on public infrastructure, particularly when compared to uses allowed outright in the C-G zone, such as offices, retail trade & eating establishments.

- (2) The operating and physical characteristics of the proposed use will be reasonably compatible with, and have minimal impact on, nearby uses.

No exterior improvements or additions are proposed. All existing infrastructure and facilities will remain intact and undisturbed. Vehicular and pedestrian access, parking

configuration, and site circulation will remain as they exist today. The proposed conversion to self-storage will have no impact on the site's existing compliance with development standards. There are no overlay zones or special areas on the site. The minimum and maximum off-street parking requirement for self-service storage is 1 space per 45 units plus 1 space per employee and 1 space per 20 storage units plus 1 space per employee. As proposed, the site would require a minimum of 19 parking spaces and would allow a maximum of 38 parking spaces. There are 27 existing parking spaces on the site.

- (3) All identified impacts will be mitigated to the extent practicable.

The proposed additional self-storage units are not a significant increase over what it existing. No exterior improvements are proposed; all development is proposed to be within the existing building footprint. All existing infrastructure and facilities will remain intact and undisturbed, having no impact on nearby uses.

- (4) The proposed use will not have unmitigated nuisance impacts, such as from noise, odor, and/or vibrations, greater than usually generated by uses allowed outright at the proposed location.

The proposal to allow additional self-storage units will not result in any unmitigated nuisance impacts.

- (5) The proposed use will comply with all applicable development standards and requirements of the base zone, any overlay zones or special areas, and the standards in Section 19.905.

The proposed conditional use would not physically change the subject property and would operate within the constraints of the existing development.

- (6) The proposed use is consistent with applicable Comprehensive Plan policies related to the proposed use.

Chapter 4 (Land Use): Economic Base & Industrial/Commercial Land Use Element, Objective 2 (Employment Opportunity) – Policies in this section include those that encourage the retention of existing businesses and recruitment of new businesses that provide long-term employment opportunities, as well as those that encourage new professional and service-oriented employment opportunities to meet the needs of city residents.

Allowing the proposed conversion of office space to additional self-storage units allows an existing business to expand and fill vacant space with a needed use and service.

- (7) Adequate public transportation facilities and public utilities will be available to serve the proposed use prior to occupancy pursuant to Chapter 19.700.

The proposed conditional use would not increase trips to the office park as a whole, which is assumed to have a mix of uses that may vary over time according to specific tenancies. International Way and 37th Ave, the adjacent public streets, are adequate to serve the proposed conditional use, as are all other existing public facilities in the area.

The Planning Commission finds that the proposed conversion of tenant office space into additional self-storage units meets the approval criteria for a major modification of a conditional use as established in MMC 19.905.4.A. This standard is met.

As proposed, the Planning Commission finds that proposal meets the applicable standards of MMC 19.905 and is approvable as a major modification of a conditional use.

6. The application was referred to the following departments and agencies on October 4, 2019:

- Milwaukie Building Department
- Milwaukie Engineering Department
- Clackamas Fire District #1 (CFD#1)
- Clackamas County Department of Transportation and Development (DTD)
- Metro
- TriMet

In addition, notice of the public hearing was mailed to owners and residents of properties within 300 ft of the subject property on October 23, 2019.

No comments were received.