



CITY OF MILWAUKIE

May 4, 2023

Land Use File(s): CU-2023-001, VR-2023-004

Permit(s): TBD

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Manager on May 4, 2023.

Traducciones de este documento e información sobre este proyecto están disponibles en español. Para solicitar información o preguntar en español, favor de email espanol@milwaukieoregon.gov.

Applicant(s):	Weston Sanaee
Location(s):	10425 SE 42 nd Ave
Tax ID:	1S1E25DD14700
Application Type(s):	Conditional Use (minor modification), Variance Request
Decision:	Approved with Conditions
Review Criteria:	Milwaukie Municipal Code (MMC): <ul style="list-style-type: none">• MMC Chapter 12.16 Access Management• MMC Section 19.303 Commercial Mixed-Use zones (incl. NMU)• MMC Section 19.504 Site Design Standards• MMC Subsection 19.505.7 (Building Design Standards for) Nonresidential Development• MMC Chapter 19.600 Off-Street Parking & Loading• MMC Chapter 19.700 Public Facility Improvements• MMC Section 19.905 Conditional Uses• MMC Section 19.911 Variances• MMC Section 19.1005 Type II Review
Neighborhood(s)	Hector Campbell (adjacent to Lewelling)

Appeal period closes: 5:00 p.m., May 19, 2023

Conditions of Approval

1. As discussed in Finding 8-c, in conjunction with the submittal, review, and approval of the necessary development permit(s), provide sufficient landscaping detail to confirm that the applicable standards for parking area landscaping from Milwaukie Municipal Code (MMC) Subsection 19.606 are met. This includes details related to tree species and ground cover in the perimeter landscaping buffer as well as showing an additional tree and landscaping in

the buffer area between the ADA parking space and the adjacent property to the west. Note that, as per MMC Subsection 19.504.6, mulch and bark dust are limited to no more than 20% coverage of required landscaping areas.

2. As per Finding 9-f, prior to City approval of the final plat for the replat required as noted in Other Requirement #1, provide a 10-ft public utility easement (PUE) along the two street frontages of the subject property (as per Finding 9-f).

Other Requirements

1. Replat

Prior to final inspection and/or issuance of a certificate of occupancy for the new addition, the subject property must be replatted to consolidate the underlying historic subdivision lots in accordance with applicable state building codes. The replat will be processed according to the applicable provisions of MMC Title 17, including recording the associated final plat with the County Surveyor.

2. 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 modify the 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 prior to commencing operations allowed by the conditional use permit.

3. Install the required bicycle parking in accordance with the standards of MMC Section 19.609, including to ensure the minimum stall dimensions and clearance for the adjacent pedestrian walkway.
4. Be advised that the parking area screening required by MMC Subsection 19.606.2.C.3 (where the parking area is adjacent to the residential property to the west) remains the responsibility of the applicant and/or operator of the approved development and must be provided if the existing sight-obscuring fence on the neighboring property is removed.

Findings in Support of Approval

The Findings for this application are included as Exhibit 1.

Case File

This notice is issued in accordance with MMC Section 19.1005 Type II Review. The complete case file for this application is available for review 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 Brett Kelter, Senior Planner, at 503-786-7657 or kelterb@milwaukieoregon.gov, if you wish to view this case file.

Appeal

This decision may be appealed by 5:00 p.m. on **May 19, 2023**, which is 15 days from the date of this decision.¹ An appeal of this decision would be heard by the Milwaukie Planning Commission 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 appeal period. Milwaukie Planning staff can provide information regarding forms, fees, and the appeal process at 503-786-7630 or planning@milwaukieoregon.gov.

Expiration

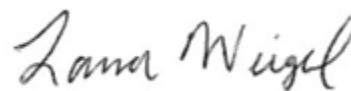
Per MMC Subsection 19.1001.7.E, this land use approval expires unless the applicant has: (1) obtained and paid for all necessary development permits and started construction within two years of land use approval, and (2) passed final inspection and/or obtained a certificate of occupancy within four years of land use approval. Extensions can be granted per MMC Section 19.908.

Manager's Declaration of Impartiality

I certify that neither I nor any member of my immediate family has a material, personal, or financial relationship with the applicant. I further certify that no other relationship, bias, or ethical conflict exists which would have prevented me from evaluating the land use application solely on its merits and in accordance with the Milwaukie Municipal Code.

Decision

- Approved
 Approved with Conditions
 Denied



Laura Weigel, AICP
Planning Manager

Exhibits

1. Findings in support of approval
2. Site plan

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.

cc: Weston Sanaee, applicant (via email)
Planning Commission (via email)
Joseph Briglio, Community Development Director (via email)
Steve Adams, City Engineer (via email)
Engineering Development Review (via email)
Patrick McLeod, Building Official (via email)
Stephanie Marcinkiewicz, Inspector/Plans Examiner (via email)
Harmony Drake, Permit Technician (via email)
Tim Salyers, Code Compliance Coordinator (via email)
Interested Persons
Land Use File(s): CU-2023-001 (primary file), VR-2023-004

EXHIBIT 1
Findings in Support of Approval
Primary File #CU-2023-001, Conditional Use minor modification
10425 SE King Rd

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, Weston Sanaee, has applied to modify the conditional use associated with the existing vehicle sales and repair business at 10425 SE 42nd Ave. The proposed development includes an addition to the existing building on the site, and the applicant has requested variances from three design standards for nonresidential buildings. The subject property is 0.29 acres (approximately 12,495 sq ft) and is zoned Neighborhood Mixed Use (NMU). The primary land use application file number is CU-2023-001, with VR-2023-004.
2. The subject property is located at the southwest corner of 42nd Avenue and King Road. The site is developed with a 1,305-sq-ft single-story building with three vehicle bays and a small office, lobby, and washroom. The applicant proposes to construct a 3,345-sq-ft addition to the existing building, with four vehicle bays, employee break room, and second washroom. An existing covered structure in the middle of the paved parking area will be demolished, and the parking area will be resurfaced and striped for off-street parking and maneuvering. Perimeter landscaping will be established along the two street frontages, and the two existing driveway approaches onto 42nd Avenue will be closed.

For many years, the subject property has been used for vehicle sales and vehicle repair and service. Vehicle sales is a prohibited use in the NMU zone, while vehicle repair/service is allowed as a conditional use. There is no record of past approvals for either of the existing uses, though both are understood to have been legally established under a previous version of the code. The vehicle sales use is nonconforming, and the vehicle repair/service use is a de facto conditional use. The applicant proposes to discontinue the vehicle sales use and expand the vehicle repair/service use. The former will eliminate the nonconforming use and the latter is considered a minor modification to the conditional use.

3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Chapter 12.16 Access Management
 - MMC Section 19.303 Commercial Mixed-Use zones (incl. NMU)
 - MMC Section 19.504 Site Design Standards
 - MMC Subsection 19.505.7 (Building Design Standards for) Nonresidential Development
 - MMC Chapter 19.600 Off-Street Parking & Loading
 - MMC Chapter 19.700 Public Facility Improvements

- MMC Section 19.905 Conditional Uses
- MMC Section 19.911 Variances
- MMC Section 19.1005 Type II Review

The application has been processed and public notice provided in accordance with MMC Section 19.1005 Type II Review.

4. MMC Chapter 12.16 Access Management

MMC 12.16 regulates access from private property onto public streets, with specific requirements and standards provided in MMC Section 12.16.040.

MMC Subsection 12.16.040.A states that access to private property is permitted with the use of driveway curb cuts, that driveways must meet all applicable guidelines of the Americans with Disabilities Act (ADA), and that the driveway approaches must be improved to meet the requirements of the City's Public Works Standards.

MMC Subsection 12.16.040.C governs the location of accessways (driveways), including requiring that lots with more than one frontage take access first from the street with the lowest classification. This subsection also requires that the nearest edge of the driveway apron be a minimum of at least 10 ft in nonresidential districts and that driveways for all nonresidential uses accessing neighborhood streets be at least 100 ft from the nearest intersecting street.

As per MMC Subsection 12.16.040.D, access onto collector and arterial streets is subject to the access spacing requirements of Subsection C, and one accessway is allowed onto local streets and neighborhood routes. MMC Subsection 12.16.040.F.2 states that commercial uses must have a minimum driveway apron width of 16 ft and a maximum width of 36 ft.

As proposed, the two existing driveways onto 42nd Avenue will be closed; the existing driveway onto King Road will remain. The King Road driveway is approximately 30 ft from the western property line but only 50 ft from the intersection with 42nd Avenue, with no changes proposed. The driveway apron is approximately 27 ft wide at the street, narrowing to 20 ft at the property line (at the southern edge of the existing sidewalk).

As proposed, the Planning Manager finds that the applicable standards of this chapter are met.

5. MMC Section 19.303 Commercial Mixed-Use Zones (including NMU)

MMC 19.303 establishes standards for the City's commercial mixed-use zones, including the Neighborhood Mixed Use (NMU) zone. The NMU zone is intended to recognize 32nd and 42nd Avenues as neighborhood commercial centers, allowing for a mix of small-scale retail and service uses that meet the needs of nearby residents and contribute to a vibrant local economy. The applicable standards of this section are described below.

a. MMC Subsection 19.303.2 Uses

MMC Table 19.303.2 establishes the uses allowed outright and as conditional uses in the NMU zone. Vehicle repair and service is permitted as a conditional use; vehicle sales is not permitted in the NMU.

As noted above in Finding 2, for many years the subject property has been used for vehicle sales and vehicle repair and service. There is no record of past approvals for the existing uses, though both are understood to have been legally established under a previous version of the code. The vehicle sales use is nonconforming, while the vehicle repair/service use is a de facto conditional use. As proposed, the vehicle sales use will be discontinued (eliminating the nonconforming use); the vehicle repair/service use will be expanded, which is considered a minor modification to the de facto conditional use, as discussed in Finding 10.

b. MMC Subsection 19.303 Development Standards

MMC 19.303 establishes development standards for the commercial mixed-use zones, including the NMU zone. The applicable standards are addressed and met as described in Table 5-b below.

Table 5-b NMU Development Standards			
Standard	NMU Requirement	Existing	Proposed
Minimum floor area ratio (FAR)	0.5:1	0.1:1	0.37:1
Building height (max)	45 ft	13 ft	18.5 ft
Minimum street setback	None	Not Applicable (NA)	NA
Maximum street setback	10 ft	24 ft (north) 70 ft (east)	24 ft (north) 8.5 ft (east)
Side and rear setbacks	None	NA	NA
Frontage occupancy	None	NA	NA
Maximum lot coverage	85%	10%	37%
Minimum vegetation	15%	<3%	16.8%

The existing development is nonconforming with respect to several development standards. As per MMC Subsection 19.804.2, alterations or expansions that increase or extend existing nonconformities are not allowed without a variance request. As proposed, the site comes closer to conformance with the minimum floor area ratio (FAR) standard and becomes conforming with respect to several other standards that are not met by the existing development (e.g., maximum street setback and minimum vegetation). All applicable development standards are met or improved upon (in the case of minimum FAR).

As proposed, the Planning Manager finds that the proposed development meets all applicable standards of MMC 19.303 and/or does not increase or extend existing nonconformities. This standard is met.

6. MMC Section 19.504 Site Design Standards

MMC Section 19.504 establishes various standards related to site design, including for clear vision areas, transition area measures, minimum vegetation, and on-site walkways and circulation.

a. MMC Subsection 19.504.1 Clear Vision Areas

MMC 19.504.1 requires that a clear vision area be maintained on the corners of all property at the intersection of two streets according to the provisions of MMC Chapter 12.24.

The subject property is located at the corner of two streets, 42nd Avenue and King Road. The proposed site improvements will be reviewed for compliance with the applicable clear vision provisions of MMC 12.24 as part of the development review process.

This standard is met.

b. MMC Subsection 19.504.4 Distance from Property Line

MMC 19.504.4 requires that, where a side or rear yard is not required and a structure is not proposed to be erected at the property line, the structure must be at least 3 ft from the property line.

The NMU zone has no required side or rear setbacks. As proposed, the new building addition is just over 5 ft from the rear (western) property line and 8 ft from the interior side (southern) property line.

This standard is met.

c. MMC Subsection 19.504.5 Transition Area Measures

MMC 19.504.5 requires transition area measures where commercial, mixed-use, or industrial development is proposed abutting or adjacent to properties zoned Moderate Density Residential (R-MD). In the NMU zone, the base zone front yard requirements supersede the transition area setback requirement of being at least as wide as the required front yard width of the adjacent R-MD zone (including if across a right-of-way). Where yards are adjacent across a right-of-way from the R-MD zone, they must be maintained as open space, with natural vegetation, landscaping, or fencing provided to at least the 6-ft level to screen R-MD uses from direct view across the open space.

The subject property is across the King Road right-of-way from the R-MD zone at its northwest corner, between the northwest property corner and the middle of the driveway approach on King Road. As proposed, an 8-ft-wide landscaped area extends between the sidewalk and an ADA parking space and bicycle parking area. A pedestrian walkway connects the north side of the existing building through the landscaped area to the sidewalk. The submittal materials do not include detailed landscaping information, though the applicant's site plan indicates at least one tree planted in this area as part of the off-street parking area perimeter landscaping.

The proposed development involves construction of an addition to the existing building on the southern half of the site, away from the transition area at King Road. The transition area requirements of this subsection are technically not applicable to the proposed development, although the landscaping improvements noted above provide some screening and bring that portion of the site closer to conformance.

This standard is met.

d. MMC Subsection 19.504.6 Minimum Vegetation

MMC 19.504.6 limits the percentage of required vegetation areas that can be covered in mulch or bark dust to no more than 20%. Mulch or bark dust under the canopy of trees and shrubs is excluded from this limit.

The submittal materials do not include detailed landscaping information, but the requirement to limit mulch and bark dust to no more than 20% of required vegetation areas is noted as part of a condition that has been established to ensure that the applicable standards for parking area landscaping are met in conjunction with the submittal and review of the necessary development permit(s).

As conditioned, this standard is met.

e. MMC Subsection 19.504.8 On-Site Walkways and Circulation

MMC 19.504.8 establishes standards for on-site walkways, which are required for all development that is subject to MMC Chapter 19.700 (excluding single detached and multi-unit residential development). A walkway must be provided into the site for every 300 ft of street frontage and must connect with sidewalks and bicycle facilities. On-site walkways must be reasonably direct, constructed with a hard surface material, permeable for stormwater, and at least 5 ft wide. Walkways must be separated from parking areas using curbing, landscaping, or distinctive paving materials and must be lighted to an average 0.5-footcandle level.

The subject property has 101 ft of frontage on King Road and 125 ft of frontage on 42nd Avenue. As proposed, a pedestrian walkway extends from the north side of the existing building, between an ADA parking area and bicycle parking area and through perimeter landscaping, to connect to the public sidewalk along King Road. The proposed walkway is 5 ft wide, constructed with permeable pavers, and illuminated by an existing light pole in the landscaped area.

This standard is met.

The Planning Manager finds that, as conditioned, the applicable standards of this subsection are met.

7. MMC Subsection 19.505.7 Nonresidential Development (Building Design Standards)

MMC 19.505.7 establishes design standards for nonresidential development, with the intention of supporting the development of an attractive, cohesive, and pedestrian-friendly

commercial area. The standards generally apply to the street-facing façades of new commercial buildings within the commercial mixed-use zones.

MMC Subsection 19.505.7C establishes the following building design standards and requires a Type II variance request for any adjustment.

The design standards are applicable only to the new addition to the existing building.

a. MMC Subsection 19.505.7.C.1 Corners

Key corners in the General Mixed Use (GMU) zone, as identified in MMC Figure 19.505.7.C.1, are required to incorporate specific features.

The subject property is zoned NMU and not GMU. This standard is not applicable.

b. MMC Subsection 19.505.7.C.2 Weather Protection

All ground-floor building entries must be protected from weather by canopies or recessed at least 3 ft behind the front building façade. Weather protection must comply with applicable building codes and where applicable must be designed to accommodate signage while maintaining vertical clearance.

The proposed addition to the existing building includes a new ground-floor entry facing King Road that is covered by a fixed canopy extending 4 ft from the façade. The canopy is designed to allow the option of installing signage that does not impact vertical clearance.

This standard is met.

c. MMC Subsection 19.505.7.C.3 Exterior Building Materials

MMC Table 19.505.7.C.3 provides a list of exterior building materials that designate primary, secondary, and accent materials as well as materials that are prohibited. Buildings must use primary materials on at least 60% of the applicable façades; secondary materials are allowed on no more than 40% of the façade and accent materials on no more than 10% of the façade. For existing development, façade modifications that affect more than 50% of the façade are subject to these requirements.

The proposed development includes construction of an addition to the existing building, with façades visible from 42nd Avenue (east) and King Road (north). As proposed, brick is used as a primary material, finished metal panels as a secondary material, and other doors and decorative elements as accent materials. No prohibited materials are proposed.

Table 7-c shows the percentages of exterior building materials utilized for the two street-facing façades of the new addition.

Table 7-c Exterior Building Materials for New Addition			
	Primary Materials	Secondary Materials	Accent Materials
Eastern façade, facing 42nd Avenue <i>(676 sq ft wall area)</i>	42% (brick)	54% (finished metal panels)	4% (other doors & decorative elements)
Northern façade, facing King Road <i>(1,458 sq ft)</i>	10% (brick)	57% (finished metal panels)	33% (other doors & decorative elements)

For both façades, the proposed development provides less than the minimum 60% primary materials composition and exceeds the 40% secondary materials threshold. In addition, the northern façade exceeds the 10% accent materials threshold. The applicant has requested a variance to this standard, which is discussed in Finding 11.

With the variance approved as discussed in Finding 11, this standard is met.

d. MMC Subsection 19.505.7.C.4 Windows and Doors

Nonresidential buildings must provide openings (i.e., windows or glazed doors) for a minimum of 30% of the ground-floor street wall area, where ground-floor street wall area is defined as the area up to the finished ceiling height of the space fronting the street or 15 ft above finished grade, whichever is less. Ground-floor windows must have clear glazing and a visible transmittance (VT) of 0.6 or higher. Where adjacent to pedestrian ways, the bottom edges of windows must be no more than 36 in above grade and must allow views into storefronts, working areas, and lobbies. Windows must be designed to provide shadowing, with either 4-in recesses or trim that contrasts in material or color. Prohibited window elements include tinting, simulated divisions, and exposed unpainted metal frame windows.

Although the northern façade of the new addition is approximately 75 ft from the King Road right-of-way, it still technically fronts on the street. The eastern façade of the new addition is approximately 8.5 ft from the 42nd Avenue right-of-way but is separated from the right-of-way by a landscaping area. As proposed, neither façade provides windows or glazed doors for the minimum required 30% of ground-floor street-wall area—the eastern façade is approximately 13% openings and the northern façade is approximately 10% openings. The applicant has requested a variance to this standard, which is discussed in Finding 11.

With the variance approved as discussed in Finding 11, this standard is met.

e. MMC Subsection 19.505.7.C.5 Roofs

One of a variety of roof types are required: flat roof with parapet or cornice, hip roof, gabled roof, dormers, or shed roof. Sloped roofs exposed to view from streets or other properties must have a minimum 4/12 roof pitch, with eaves that project at least 12 in. Sloped roofs with less than a 4/12 pitch must be architecturally treated or articulated

with a parapet wall projecting vertically at least 12 in above the roofline and/or a cornice that projects at least 6 in from the building face. When an addition to an existing structure is proposed, the roof must have a similar slope and be constructed of the same materials as the existing roofing.

The existing building has a flat roof. The proposed new addition has a sloped roof exposed to view with a 2/12 pitch, with a cornice that projects at least 6 in from the building façade. However, the new roof is sloped and is constructed with different materials than the existing building's flat roof. The applicant has requested a variance to this standard, which is discussed in Finding 11.

With the variance approved as discussed in Finding 11, this standard is met.

f. MMC Subsection 19.505.7.C.6 Rooftop Equipment and Screening

Elevator mechanical equipment is limited to a maximum height of 16 ft above the building height limit. Satellite dishes and other communication and roof-mounted mechanical equipment are limited to a maximum height of 10 ft and must be set back a minimum of 5 ft from the roof edge and screened from public view and from views from adjacent buildings. Solar panels, wind generators, green roof features, and equipment under 2 ft in height do not require screening.

The proposed development does not include any specific rooftop equipment, though the applicant has indicated that rooftop solar panels may be installed in the future. The applicant has noted that any future rooftop equipment will be screened as required.

This standard is met.

g. MMC Subsection 19.505.7.C.7 Ground-Level Screening

Mechanical and communication equipment, outdoor storage, and outdoor garbage and recycling areas must be screened so they are not visible from streets, other ground-level private open space, or common open spaces.

As proposed, garbage and recycling will be stored indoors. No outdoor mechanical and communication equipment or outdoor storage areas are proposed.

This standard is met.

h. MMC Subsection 19.505.7.C.8 Rooftop Structures

Rooftop structures related to shared outdoor space—such as arbors, trellises, or porticos related to roof decks or gardens—are not included in the building's maximum height calculation, as long as they do not exceed 10 ft in height.

No rooftop structures related to shared outdoor space are proposed.

This standard is met.

As proposed, and with the approval of the variances discussed in Finding 11, the Planning Manager finds that the applicable standards of MMC 19.505.7 are met.

8. MMC Chapter 19.600 Off-Street Parking and Loading

MMC 19.600 regulates off-street parking and loading areas on private property outside the public right-of-way. The purpose of these requirements includes providing adequate space for off-street parking, minimizing parking impacts to adjacent properties, and minimizing environmental impacts of parking areas.

a. MMC Section 19.602 Applicability

MMC 19.602 establishes the applicability of the provisions of MMC 19.600, and MMC Subsection 19.602.3 establishes thresholds for full compliance with the standards of MMC 19.600. Development of a site that results in an increase of 100% or more of the existing floor area and/or structure footprint on a site must conform to the requirements of MMC 19.600. MMC Subsection 19.602.5 limits the cost of materials for any required improvements to 10% of the development permit value.

Per Oregon Administrative Rules (OAR) 660-012-0012 and 660-12-0440, which relate to Climate-Friendly and Equitable Communities (CFEC) rulemaking, the City is prohibited from mandating minimum off-street vehicular parking quantity requirements because of the subject property's proximity to a TriMet bus stop. However, all other provisions of MMC 19.600 may still apply.

The proposed development includes the construction of a 3,345-sq-ft addition to an existing 1,305-sq-ft building, which is an increase of more than 100% of the existing floor area. Although the CFEC-related limitations noted above prevent the implementation of minimum off-street vehicular parking quantity requirements, the Planning Manager finds that compliance with the other applicable sections of MMC 19.600 is required.

b. MMC Section 19.605 Vehicle Parking Quantity Requirements

MMC 19.605 establishes standards to ensure that development provides adequate vehicle parking (off-street) based on estimated parking demand. As per the CFEC-related limitations noted above, the City is prohibited from mandating minimum off-street vehicular parking quantity requirements because of the subject property's proximity to a TriMet bus stop. However, maximum off-street vehicular parking limitations still apply. Additionally, off-street vehicular parking minimums are used to determine the required quantity of off-street bicycle parking per MMC Section 19.609 and for that reason are addressed below.

MMC Table 19.605.1 provides minimum and maximum quantity requirements for vehicle repair uses. With the CFEC limitations in mind, a minimum of two parking spaces per 1,000 sq ft of floor area are required; a maximum of 2.5 spaces per 1,000 sq ft of floor area are required. MMC Subsection 19.605.1.D establishes principles for rounding the parking calculations when the result is not a whole number—for minimum parking, the result is rounded down to the next whole number; for maximum parking, the result is simply rounded to the nearest whole number.

MMC Subsection 19.605.5 establishes requirements for providing charging infrastructure for electric vehicles (EVs), applicable when new parking spaces are

established. These requirements are intended to facilitate the economical installation of EV-charging infrastructure with new construction or when significant site improvements are made and are not applicable when pre-existing parking areas are restriped.

The proposed development involves the construction of a 3,345-sq-ft addition to an existing 1,305-sq-ft building, for a total floor area of 4,650 sq ft. That results in a nominal minimum requirement of nine spaces (rounded down from 9.3) and maximum allowance of 12 spaces (rounded up from 11.6); however, as per the CFEC limitations, no vehicle parking is required.

The applicant has proposed to formalize a total of five off-street parking spaces (four regular spaces and one ADA space) on a paved portion of the site where vehicles were previously parked and stored. The EV-charging infrastructure requirements are not applicable to this refurbishing of an existing parking area. The Planning Manager confirms that the CFEC rules eliminate the minimum parking quantity requirement and finds that the proposed development does not push the site out of conformance with respect to the maximum parking allowance.

This standard is met.

c. MMC Section 19.606 Parking Area Design and Landscaping

MMC 19.606 establishes standards for parking area design and landscaping, to ensure that when off-street parking areas are provided they are safe, environmentally sound, and aesthetically pleasing, and that they have efficient circulation.

(1) MMC Subsection 19.606.1 Parking Space and Aisle Dimensions

MMC 19.606.1 establishes dimensional standards for required off-street parking spaces and drive aisles. For 90°-angle spaces, the minimum width is 9 ft and minimum depth is 18 ft, with 22-ft drive aisles.

As proposed, the five formalized parking spaces all meet the minimum dimensional standards for 90°-angle spaces and will be served by a drive aisle that exceeds the 22-ft minimum width.

This standard is met.

(2) MMC Subsection 19.606.2 Landscaping

MMC 19.606.2 provides standards for perimeter and interior landscaping areas, including minimum widths and planting requirements. Perimeter landscaping areas in non-downtown zones must be at least 8 ft wide where adjacent to the public right-of-way and at least 6 ft wide where abutting other properties. One tree must be planted every 30 lineal ft, of a species that will provide a minimum 20-ft-diameter shade canopy within 10 years of planting.

Where adjacent to residential areas, parking areas must have a continuous visual screen in the landscape perimeter area that abuts the residential use. The screen must be opaque throughout the year from 1 to 4 ft above the ground to

adequately shield vehicle lights. Pedestrian walkways are allowed within landscape buffers if the buffer is at least 2 ft wider than required.

Interior landscaping is only required where there are more than 10 parking spaces on the site.

Only five parking spaces are proposed, so no interior landscaping is required.

As proposed, an 8-ft-wide landscape perimeter extends around the parking area where it abuts the public right-of-way, with trees planted every 30 lineal ft. Where adjacent to the neighboring property at the northwest corner of the site, the perimeter landscaping area is over 11 ft wide, including a 5-ft-wide pedestrian walkway adjacent to the parking area. The submittal materials indicate that there is an existing site-obscuring fence on the adjacent residential property, so additional screening is not needed on the subject property at this time. However, this screening requirement is continuously in effect, and the applicant is responsible for providing the required screening if the neighboring fence is altered or removed at some point in the future. The submittal materials do not show a new tree in the northwest perimeter area (adjacent to the proposed bicycle parking area) nor any details about the species of tree(s) or ground cover to be planted throughout the perimeter area. A condition has been established to ensure that these standards will be met in conjunction with the submittal and review of the necessary development permit(s).

As proposed and conditioned, the applicable standards of this subsection are met.

(3) MMC Subsection 19.606.3 Additional Design Standards

MMC 19.606.3 establishes various other parking area design standards, including requirements related to paving and striping, wheel stops, pedestrian access, internal circulation, and lighting. Parking bumpers or wheel stops (minimum 4-in height) must be provided to prevent vehicles from encroaching into adjacent landscaped areas. Pedestrian walkways must be provided where any parking space is more than 100 ft from a building entrance. Lighting is required for parking areas with more than 10 spaces.

As proposed, the five formalized parking spaces will be striped. No space is more than 100 ft from a building entrance, though a pedestrian walkway is marked between the four spaces in the northeast corner of the site and the entrance of the existing building. A pervious-material walkway connects the north side of the existing building and northwest corner of the site to the sidewalk along King Road. The submittal materials indicate that wheel stops will be provided. No lighting is required for the five spaces proposed, though an existing light fixture near the driveway entrance and ADA space will illuminate a significant portion of the parking area.

As proposed, the applicable standards of this subsection are met.

As proposed and conditioned, the applicable standards of MMC 19.606 are met.

d. MMC Section 19.608 Loading

MMC 19.608 establishes standards for off-street loading areas. For nonresidential buildings with less than 20,000 sq ft of total floor area, no loading spaces are required.

The proposed development will result in a total floor area of 4,650 sq ft. No loading spaces are required.

This standard is met.

e. MMC Section 19.609 Bicycle Parking

MMC 19.609 establishes standards for bicycle parking. Unless otherwise specified, the number of bicycle parking spaces is at least 10% of the minimum required vehicle parking for the use (CFEC limitations aside). In no case will fewer than two bicycle spaces be provided.

MMC Subsection 19.609.3.A requires that each bicycle parking space have minimum dimensions of 2 ft by 6 ft, with 5-ft-wide aisles for maneuvering. MMC Subsection 19.609.4 requires bike racks to be securely anchored and designed to allow the frame and one wheel to be locked to the rack with a U-shaped lock. Bicycle parking must be located within 50 ft of a main building entrance, closer to the entrance than the nearest non-ADA-designated vehicle parking space, designed to provide access to a public right-of-way, in a location that is visible from the main parking lot, designed not to impede pedestrians along sidewalks, and separated from vehicle parking areas by curbing or other similar physical barriers.

As noted above in Finding 8-b, a minimum of nine vehicle parking spaces would be required if not for the CFEC limitations, which translates to one bicycle parking space using the 10% calculation. However, the requirement for no fewer than two bicycle spaces takes precedence. Currently, there are no bicycle parking spaces on site. As proposed, a rack designed to accommodate two bicycles is located adjacent to the pedestrian walkway in the northwest corner of the site and within approximately 35 ft of the main entrance of the existing building. The rack's location provides the minimum 2-ft by 6-ft space dimensions without impeding the adjacent 5-ft-wide pedestrian walkway and is visible from the main parking area. The rack is separated from the ADA parking space by the pedestrian walkway and a wheel stop.

As proposed, the standards of MMC 19.609 are met.

As proposed and conditioned, the Planning Manager finds that the applicable standards of MMC 19.600 are met.

9. MMC Chapter 19.700 Public Facility Improvements

MMC 19.700 is intended to ensure that development, including expansions, provides public facilities that are safe, convenient, and adequate in rough proportion to their public facility impacts.

a. MMC Section 19.702 Applicability

MMC 19.702 establishes the applicability of MMC 19.700, including a new dwelling unit, any increase in gross floor area, land divisions, new construction, and modification or expansion of an existing structure or a change or intensification in use that result in any projected increase in vehicle trips.

The applicant is proposing to construct a 3,345-sq-ft addition to the existing vehicle repair/service building. The proposed partition triggers the requirements of MMC 19.700.

MMC 19.700 is applicable to the proposed development.

b. MMC Section 19.703 Review Process

MMC 19.703 establishes the review process for development that is subject to MMC 19.700, including requiring a preapplication conference, establishing the type of application required, and establishing approval criteria.

A preapplication conference with City staff was conducted for the subject property on May 26, 2022. As noted in Finding 9-c, a Transportation Impact Study (TIS) is not required; therefore, a Transportation Facilities Review application is not necessary.

This standard is met.

c. MMC Section 19.704 Transportation Impact Evaluation

MMC 19.704 establishes that the City Engineer will determine whether a proposed development has impacts on the transportation system by using existing transportation data. If the City Engineer cannot properly evaluate a proposed development's impacts without a more detailed study, a TIS will be required to evaluate the adequacy of the transportation system to serve the proposed development and determine proportionate mitigation of impacts.

The City Engineer has determined that a TIS is not required, as the impacts of the proposed partition on the transportation system are minimal. The proposed increase in floor area for vehicle repair/service, when balanced with the discontinuation of vehicle sales on the property, results in an insignificant change in trip generation for the site.

This standard is met.

d. MMC Section 19.705 Rough Proportionality

MMC 19.705 requires that transportation impacts of the proposed development be mitigated in proportion to its potential impacts.

Finding 9-e addresses the required closure of the existing driveways on 42nd Avenue, including the reconstruction of curb and sidewalk as needed. Finding 9-f addresses the requirement for public utility easements along the property's street frontages. The proposed development does not trigger mitigation of impacts beyond those discussed in these findings.

This standard is met.

e. MMC Section 19.708 Transportation Facility Requirements

MMC 19.708 establishes the City's requirements and standards for improvements to public streets, including pedestrian, bicycle, and transit facilities. MMC Subsection 19.708.1 requires compliance with MMC Chapter 12.16 and establishes general requirements and standards for streets, including access management, clear vision, street design, connectivity, and intersection design and spacing standards. MMC Table 19.708.2 provides more specific street design standards for various street classifications, including for arterial and neighborhood routes. All streets, sidewalks, necessary public improvements, and other public transportation facilities located in the public right-of-way (ROW) and abutting the development site must be adequate at the time of development or must be made adequate in a timely manner. The City's street design standards are based on the street classification system described in the City's Transportation System Plan (TSP).

The subject property has frontage on 42nd Avenue, which the City's TSP and Transportation Design Manual classify as an arterial street. The property also has frontage on that portion of King Road that the TSP classifies as a neighborhood route. As established in MMC Table 19.708.2 Street Design Standards, the required ROW width for an arterial street is between 54 ft and 89 ft, depending on the required street improvements; the required width for a neighborhood route is between 20 ft and 68 ft.

A future public improvement project is planned for the intersections of 42nd Avenue and Harrison Street and 42nd Avenue and King Road. As noted in Finding 4, the two existing driveways on 42nd Avenue will be closed, with curb and sidewalk reconstructed as needed. The other existing frontage improvements are consistent with applicable standards.

The existing ROW on 42nd Avenue adjacent to the subject property is approximately 68 ft; the existing ROW on King Road is approximately 58 ft. The ROW widths for both frontages are adequate for any future improvements at this location. ROW dedication is not required for either frontage.

The proposed development is consistent with all applicable standards of MMC 19.708.

This standard is met.

f. MMC Section 19.709 Public Utility Requirements

MMC 19.709 establishes the City's requirements and standards to ensure the adequacy of public utilities to serve development.

The proposed development does not present significant new impacts to existing public utilities, which are adequate to serve the proposed use. To ensure that there is sufficient room to accommodate future utility needs, a condition has been established to require a 10-ft public utility easement (PUE) along both frontages of the subject property.

As conditioned, the proposed development meets the applicable standards of MMC 19.709.

As proposed and conditioned, the Planning Manager finds that the applicable standards of MMC 19.700 are met.

10. 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. Although conditional uses may provide needed services or functions in the community, they are subject to conditional use review because they may adversely change the character of an area or adversely impact the environment, public facilities, or adjacent properties. Approval of a conditional use does not constitute a zone change and is granted only for the specific use requested. Approval is subject to such modifications, conditions, and restrictions as may be deemed appropriate by the review authority.

MMC Subsection 19.905.8.A provides that a legally established use currently identified in the code as a conditional use but that did not previously undergo conditional use review is a de facto conditional use rather than a nonconforming use. Modifications to a de facto conditional use are subject to MMC Subsection 19.905.3 and 19.905.4. MMC Subsection 19.905.3.B provides that the minor modification of an existing conditional use must be evaluated through a Type I review per Section 19.1004.

Vehicle repair and service is allowed as a conditional use in the NMU zone. The existing vehicle repair and service use has been operating on the site for many years and has not previously undergone conditional use review, so it is considered a de facto conditional use as per MMC Subsection 19.905.8.A. The proposal to expand the existing vehicle repair/service represents a minor modification of the existing de facto conditional use and is subject to Type I review.

a. MMC Subsection 19.905.4 Approval Criteria

MMC Subsection 19.905.4.B establishes the following approval criteria for minor modification of an existing conditional use:

- (1) The proposed modification will not significantly increase the intensity of the use at this location.

The subject property is located within the NMU zoned, which is intended to provide a mix of small-scale commercial uses with residential uses while maintaining a neighborhood-scale identity. The site is at the corner of an arterial route through that part of town, along a primary corridor of commercial activity.

For many years, the subject property has been used for vehicle sales and vehicle repair and service, with multiple vehicles at times crowded onto almost every square foot of paved area outside the existing building. The proposed development will retire the vehicle sales use and focus instead on vehicle repair and service, with a large new addition to the existing building. Five parking spaces will be formalized and an existing covered structure in the middle of the site will be demolished, which will expand the open space outside the expanded building.

Although the new addition will significantly increase the floor area of the existing building from 1,305 sq ft to 4,650 sq ft, the provision of more indoor space for repairing and servicing vehicles is a better organization of the allowed use. That, combined with the elimination of the prohibited vehicle sales use, will reduce the overall intensity of use.

This standard is met.

- (2) The proposed modification 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.

As addressed throughout these findings (including the requested variances discussed in Finding 11), and with the various conditions established, the proposed development complies with all applicable development standards and requirements of the base zone. There are no overlay zones or special area designations for the subject property.

This standard is met.

- (3) The proposed modification will not negatively impact nearby uses, protected natural features, or public facilities more than the original conditional use.

There are no protected natural features on the site. The proposed development includes closure of the two existing driveways on 42nd Avenue, which will eliminate access conflicts with the arterial street and adjacent sidewalk. The new building addition will provide more space for repairing and servicing vehicles indoors and will reduce the number of vehicles stored out in the open, diminishing the accompanying visual clutter.

Adjacent to the subject property to the west are the side yards of two lots zoned High Density Residential (HDR) and developed with single-unit houses. On both HDR lots, a detached accessory structure and/or driveway is directly adjacent to the subject property, so the existing and/or expanded building does not present a significant impact to either property. The property to the south is developed with a convenience store and accompanying parking area, where the new addition does not present any significant impact. To the east, across the 42nd Avenue right-of-way, the buildings in the King Road Shopping Center are not impacted. To the north, across the King Road right-of-way, the view of the site from two residential properties (one zoned R-MD and the other HDR) will be improved, both from the reduction of vehicles previously packed into the open parking area and with a newly established perimeter landscaping area. The proposed development will not negatively impact nearby uses any more than the original conditional use and will improve the organization and operation of the allowed use.

This standard is met.

- (4) The proposed modification will comply with any conditions of approval from the original conditional use approval.

There is no record of a past or original approval for the existing uses; the vehicle sales aspect is nonconforming, and the vehicle repair/service is a de facto conditional use. There are no previous conditions of approval with which to comply.

This standard is met.

The Planning Manager finds that the proposed development meets the approval criteria for minor modification to a conditional use as established in MMC 19.905.4.B. This standard is met.

b. MMC Subsection 19.905.5 Conditions of Approval

MMC 19.905.5 outlines the types of conditions that may be imposed by the Planning Manager as suitable and necessary to assure compatibility of the proposed use with other uses in the area and to minimize and mitigate potential adverse impacts. These include options such as limits on the hours, days, place, and manner of operation; additional yard requirements; requiring additional landscaping or screening of off-street parking areas; requiring screening or landscaping for the protection of surrounding properties.

As discussed elsewhere in these findings, conditions have been established to ensure compliance with various applicable standards. The Planning Manager finds that no additional conditions are necessary to assure compatibility of the proposed development with other uses in the area or to minimize and mitigate potential adverse impacts.

This standard is met.

c. MMC Subsection 19.905.6 Conditional Use Permit

MMC 19.905.6 establishes the process and procedures for issuing a conditional use permit for a new conditional use or the major modification of an existing conditional use. The Planning Manager may decide whether it is necessary to revise an existing conditional use permit after approval of a minor modification.

Where required, a conditional use permit will include a description of the approved use; any restrictions and/or conditions of approval; ongoing responsibilities required for the use's operation; allowance for the transfer of rights and responsibilities upon change in ownership of either the use or the property containing the use; and 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 prior to commencing operations allowed by the conditional use permit. A conditional use permit is not affected by a change in ownership of the use or the property containing the use and is valid unless one of the following occurs: there is a change in use, the permit is suspended per the procedures in MMC Subsection 19.905.7, or the use is discontinued as described in MMC Subsection 19.905.8. Compliance with the terms and conditions of the conditional use permit is required on an ongoing basis.

The existing use is a de facto conditional use, without a previous formal approval or an existing conditional use permit. The Planning Manager finds that it is appropriate to establish and record a conditional use permit in conjunction with the approval of the proposed modification. This requirement will be enforced in conjunction with the submittal and review of the necessary development permit(s).

The Planning Manager finds that the proposed development meets the applicable standards of MMC 19.905 and is approvable as a minor modification to a conditional use.

11. MMC Section 19.911 Variances

a. MMC Subsection 19.911.2 Applicability

MMC 19.911.2 establishes applicability standards for variance requests.

Variances may be requested to any standard of MMC Title 19, provided the request is not specifically listed as ineligible in MMC Subsection 19.911.2.B. Ineligible variances include requests that result in any of the following: change in review type, change or omission of a procedural step, change to a definition, increase in density, allowance of a building code violation, allowance of a use that is not allowed in the base zone, or the elimination of restrictions on uses or development that contain the word "prohibited."

The applicant has requested variances to the following three design standards for nonresidential buildings:

- Exterior building materials—Buildings must use primary materials on at least 60% of street-facing façades; secondary materials are allowed on no more than 40% of the façade and accent materials on no more than 10% of the façade. *As proposed, the eastern façade (facing 42nd Avenue) uses only 42% primary materials, with 54% secondary materials and 4% accent materials; the northern façade (facing King Road) uses only 10% primary materials, with 57% secondary materials and 33% accent materials.*
- Windows and doors—Nonresidential buildings must provide openings (i.e., windows or glazed doors) for a minimum of 30% of the ground-floor street wall area. *As proposed, the eastern and northern façades provide openings for well below 30% of the ground-floor street wall area (approximately 13% for the eastern façade and 10% for the northern façade).*
- Roofs—Sloped roofs must have a minimum 4/12 roof pitch, with eaves that project at least 12 in. Sloped roofs with less than a 4/12 pitch must be architecturally treated or articulated with a parapet wall projecting vertically at least 12 in above the roofline and/or a cornice that projects at least 6 in from the building face. When an addition to an existing structure is proposed, the roof must have a similar slope and be constructed of the same materials as the existing roofing. *As proposed, the roof of the new addition to the existing building has a 2/12 pitch, with a cornice that projects at least 6 in from the building façade. However, the new roof is different in both slope and materials from the existing building's flat roof.*

The requested variances meet the eligibility requirements.

b. MMC Subsection 19.911.3 Review Process

MMC 19.911.3 establishes review processes for different types of variances. MMC 19.911.3.B establishes the Type II review process for limited variations to certain standards, including the design standards for nonresidential buildings established in

MMC Subsection 19.505.7.C, in cases where a unique design merits flexibility. MMC Subsection 19.911.3.C establishes the Type III review process for larger or more complex variations to standards that require additional discretion and warrant a public hearing.

The requested variances are for the nonresidential building design standards related to exterior building materials, windows and doors, and roofs. The requested variances are eligible for Type II review.

c. MMC Subsection 19.911.4 Approval Criteria

MMC 19.911.4 establishes the approval criteria for variances, with the following criteria for Type II variance applications provided in MMC Subsection 19.911.4.A:

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

There are no nearby natural resource areas. None of the requested variances (which relate only to building design) will be detrimental to surrounding properties or to public health, safety, or welfare. The combination of brick and finished metal panels provide a sense of permanence while providing security for the tools and equipment stored inside the building. The sloped roof of the new addition establishes a visually interesting contrast that nevertheless remains compatible with the roof of the existing building and can serve as a platform for solar panels in the future.

The Planning Manager finds that this criterion is met.

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

The requested variances for design will not interfere with any planned future improvements to streets or utilities.

The Planning Manager finds that this criterion is met.

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

The existing building is a small, single-story structure with a flat roof and three vehicle bays facing 42nd Avenue. The proposed addition is a slightly taller single-story building with a sloped roof and four vehicle bays facing King Road. The new addition will generally match and enhance the general style of the existing building.

The sloped metal roof of the new addition is an improvement on the existing building's flat roof, in terms of durability and weatherization. The new sloped roof also provides more interior overhead space and a better opportunity for installing solar panels in the future. And it provides some visual interest and contrast with the existing flat roof while remaining compatible with the existing design.

The existing building does not provide many openings on its street-fronting façades, as the windows in the existing vehicle bay doors and the glazed office area are small. This provides greater security of the tools and equipment stored inside and lessens the potential for damage to windows and glass doors from heavy tools and objects being moved or swung inside. The new addition remains consistent with this aspect of the existing design, minimizing the number of large, glazed openings and maintaining a secure interior space. Proposed new rollup doors include a row of glass panels near the top of each door, which provides some transparency without compromising safety. When weather conditions are conducive to leaving some or all of the rollup doors open during business hours, the 30% openings standard may actually be met.

The existing building is finished with brick, glass, and finished metal panels; the new addition utilizes similar materials to match that style. As shown in Table 11-c-3, the existing building itself does not conform to the exterior building material standards, and the new addition generally helps bring the overall development closer to conformance.

Table 11-c-3 Exterior Building Materials			
	Primary Materials	Secondary Materials	Accent Materials
Eastern façade (facing 42 nd Ave)			
Existing building (652 sq ft)	29% (brick & glass)	32% (finished metal panels)	39% (other doors & decorative elements)
New addition (676 sq ft)	42% (brick)	54% (finished metal panels)	4% (other doors & decorative elements)
Total (eastern façade) (1,328 sq ft)	36%	43%	21%
Northern façade (facing King Rd)			
Existing building (308 sq ft)	25% (glass)	75% (finished metal panels)	---
New addition (1,458 sq ft)	10% (brick)	57% (finished metal panels)	33% (other doors & decorative elements)
Total (northern façade) (1,766 sq ft)	12%	60%	28%

The requested variances are an effective response to the existing situation and part of a unique design that merits flexibility with respect to the standards in question.

The Planning Manager finds that this criterion is met.

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

As discussed above, there are no significant impacts from the requested variances to the building design standards. The proposed development will sustain and enhance the integrity of the existing building design and is not detrimental to surrounding properties or public health, safety, and welfare.

The Planning Manager finds that this criterion is met.

- (5) The proposed variance would allow the development to preserve a priority tree or trees or would provide more opportunity to plant new trees to achieve 40% canopy, as required by Chapter 16.32.

The proposed variances are not being requested in conjunction with tree preservation or opportunities to establish tree canopy; they are related solely to building design.

The Planning Manager finds that this criterion is not applicable.

The Planning Manager finds that all three of the requested design-related variances meet the approval criteria for Type II variances.

12. The application was referred to the following departments and agencies on April 12, 2023: Milwaukie Community Development Department, Milwaukie Engineering Department, Milwaukie Building Department, Milwaukie Public Works Department, City Attorney, Clackamas Fire District #1 (CFD), Clackamas County Department of Transportation & Development, Metro, TriMet, Hector Campbell Neighborhood District Association (NDA) and Land Use Committee (LUC), Lewelling NDA and LUC, and NW Natural. Notice of the application was also sent to surrounding property owners within 300 ft of the site on April 12, 2023. Public notice signs were posted on the property on April 19, 2023.

The comments received are summarized as follows:

- **Susan McCarty, member of Hector Campbell NDA LUC:** Would like to see more information about the perimeter landscaping area and the trees to be planted. Concerned about the limited off-street parking provided.

Staff Response: A condition has been established to require more landscaping detail at the time of the development permit review process. Due to new limitations stemming from statewide Climate-Friendly and Equitable Communities (CFEC) rulemaking, the City is no longer able to require off-street parking where sites are close to transit corridors.

- **J.D., nearby resident (no address provided):** Concerned about noise impacts during the day and that the single accessway on King Road will result in increased traffic conflicts and safety issues at the intersection of King Road and 42nd Avenue. Questioned how environmental impacts from the vehicle repair/service business itself will be managed. Concerned about whether zoning changes will allow more commercial activity in the nearby neighborhood. Asked whether the modified use would be screened from view along King Road.

Staff Response: Noise impacts will be addressed as per the nuisance-related portions of the municipal code. Closing the site's two existing driveways onto 42nd Avenue will improve

safety conditions along that arterial street. An upcoming capital improvement project focused on the intersection of 42nd Avenue and Harrison Street will address and improve safety of the intersection of 42nd Avenue and King Road. The state's Department of Environmental Quality (DEQ) regulates the management of materials related to vehicle repair/service. There are no plans to expand the allowance of commercial uses beyond the current NMU zone area already in place in the vicinity of the subject property. Trees will be planted in a new perimeter landscaping area along the King Road and 42nd Avenue frontages, which will provide some screening of the site while maintaining necessary clear vision areas.

