



## NOTICE OF PUBLIC HEARING

*Date mailed: November 5, 2014*

You are receiving this notice because development has been proposed in your neighborhood. The proposal requires a public hearing by the Milwaukie Planning Commission and notice to the property owner; applicant; and all property owners, residents, and neighborhood district association(s) within 400 feet of the subject property. The proposal and information on how to respond to this notice are described below.

**The Milwaukie Planning Commission will hold a public hearing on the proposal at a meeting beginning at 6:30 p.m. on Tuesday, November 25, at Milwaukie City Hall, 10722 SE Main Street.**

<b>File Number(s):</b>	ZA-14-03
<b>Location:</b>	Address: 9391, 9410, and 9401 SE 32 <sup>nd</sup> Avenue, Milwaukie, Oregon Tax Lot ID: 11E25BD07700, 11E25DB01600, and 11E25CA01000 <i>A map of the site is located on the last page of this notice.</i>
<b>Proposal:</b>	The City of Milwaukie is proposing a zoning ordinance text amendment to allow "eating establishments" to be listed as a permitted use in the C-L Limited Commercial Zone on three commercial properties at the corner of 32 <sup>nd</sup> Avenue and Olsen Street. This change would allow restaurants, cafes, delis, and similar uses to operate legally in the zone. The proposed amendments would prevent drive through uses and would limit the size of any eating establishment to no more than 3,250 sq ft in size.
<b>Applicant/Primary Contact Person:</b>	Denny Egner, Planning Director City of Milwaukie 503-786-7654
<b>Owner(s):</b>	Elizabeth Stein (West Linn), Bok Soon Park (Happy Valley), and I & A Corporation (Oregon City)
<b>Staff contact:</b>	Denny Egner, Planning Director City of Milwaukie Planning Department 6101 SE Johnson Creek Blvd Milwaukie, OR 97206 503-786-7654 egnerd@milwaukieoregon.gov
<b>Neighborhood District Association(s):</b>	Ardenwald-Johnson Creek NDA, contact Jeff Davis at 503-786-0457 or (Ardenwald no co-chair).
<b>Applicable Criteria:</b>	<ul style="list-style-type: none"> <li>• MMC Section 19.902 Amendments to Maps and Ordinances</li> <li>• MMC Section 19.1000 Review Procedures</li> </ul> Copies of these criteria are available upon request and can also be found at <a href="http://www.qcode.us/codes/milwaukie/">www.qcode.us/codes/milwaukie/</a> .

**To learn more about a proposal:** Call the staff contact assigned to the proposal. The staff report on the proposal will also be available for public viewing after 8 a.m. on **Wednesday, November 19, 2014**, at the following locations:

- Planning Department, Johnson Creek Facility, 6101 SE Johnson Creek Blvd (open weekdays 8:00 a.m. to 5:00 p.m.)
- Ledding Library, 10660 SE 21st St (call 503-786-7580 for current hours)
- City Hall, 10722 SE Main St (open weekdays 8:00 a.m. to 5:00 p.m.)
- City website, <http://www.milwaukieoregon.gov/planning/planning-commission-116>

Application information is available at <http://www.milwaukieoregon.gov/planning/za-14-03>. Copies of information in the file can be obtained for a reasonable fee. Copies of applicable City ordinances and the Comprehensive Plan are also available for review at the locations listed above.

**To comment on a proposal:** You are invited to attend this hearing or submit comments in writing before the meeting time. You may send written comments in advance to the staff contact listed above, or you may submit your comments in person at the hearing. If you want to present verbal testimony, either pro, con, or to raise questions, you will be invited to speak following the applicant's testimony. Testimony and comments at this hearing must be directed towards the criteria identified. If you submit a written comment or comment in person at the hearing, you will be sent a copy of the decision or recommendation. All written and verbal comments become part of the permanent record.

The Neighborhood District Association, listed on the first page of this notice, may take a position on the proposal and may have scheduled an open meeting prior to providing comment to the Planning Commission. Please contact the person listed as the neighborhood contact to determine the time and date of this meeting.

**Recommendation:** The Planning Commission will make a recommendation at the hearing. The recommendation will be forwarded to the City Council, who will issue a decision. The recommendation is considered by the City Council in issuing their decision. However, the recommendation is nonbinding and is not appealable.

**To appeal a decision:** The City Council's decision may be further appealed by a person with standing. In order to establish standing, you must do at least one of the following: submit written comments to the staff contact before the hearing date; attend the hearing and sign in; or attend the hearing, sign in, and make a verbal comment. Any issue that is intended to provide a basis for appeal must be raised in writing on or before the hearing date with sufficient specificity to afford the responsible parties an opportunity to respond to the issue. Failure to raise an issue with sufficient specificity, and accompanied by statements or evidence sufficient to afford the responsible parties an opportunity to respond to the issue, will preclude any appeal on that issue to the Land Use Board of Appeals (LUBA).

*The City of Milwaukie is committed to providing equal access to information and public meetings per the Americans with Disabilities Act (ADA). If you need special accommodations, please call 503-786-7600 at least 48 hours prior to the meeting.*

**NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER:**

THE MILWAUKIE MUNICIPAL CODE REQUIRES THAT IF YOU RECEIVE THIS NOTICE IT SHALL BE PROMPTLY FORWARDED TO THE PURCHASER.

### Proposal to allow Eating Establishment in the C-L Zone

