



September 9, 2015

Land Use File(s): DEV-2015-008
Permit(s): 601-15-000597

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Director on September 9, 2015.

Applicant(s): Gary Eckelman
Appellant (if applicable)
Location(s): 1776 SE Milport Rd
Tax Lot(s): 11E26DA00801
Application Type(s): Development Review
Decision: Approved with Conditions
Review Criteria: Milwaukie Zoning Ordinance:

- MMC 19.309, Manufacturing Zone
- MMC 19.600, Off-Street Parking and Loading
- MMC 19.700, Public Facility Improvements
- MMC 19.906, Development Review
- MMC 19.1005 Type II review

Neighborhood(s): Historic Milwaukie

Appeal period closes: 5:00 p.m., September 24, 2015

This notice is issued in accordance with Milwaukie Municipal Code (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 Vera Kolas, Associate Planner, at 503-786-7653 or koliasv@milwaukieoregon.gov, if you wish to view this case file.

This decision may be appealed by 5:00 p.m. on September 24, 2015, which is 15 days from the date of this decision. Any person who is adversely affected or aggrieved by this decision may appeal the decision by filing a written appeal. 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.

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 2 years

COMMUNITY DEVELOPMENT
BUILDING • ECONOMIC DEVELOPMENT • ENGINEERING • PLANNING
6101 SE Johnson Creek Blvd., Milwaukie, Oregon 97206
P) 503-786-7600 / F) 503-774-8236
www.milwaukieoregon.gov

of land use approval, and (2) passed final inspection and/or obtained a certificate of occupancy 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

1. Per MMC 19.609.2.A, two bicycle parking spaces shall be installed near the front entrance to the building prior to the issuance of a certificate of occupancy.
2. Development permit plans shall show parking spaces that meet all dimensional standards per MMC 19.606.1.A.
3. At the time of the issuance of the building permit, a Fee in Lieu of Construction of right-of-way improvements shall be paid.

Exhibits

1. Findings in Support of Approval



Dennis Egner, AICP
Planning Director

cc: Gary Eckelman (44529 SE 67th Ave, Portland, OR 97206)
Chad Eckelman, Applicant's representative (4529 SE 67th Ave., Portland, OR 97206)
Planning Commission (*via e-mail*)
Alma Flores, Community Development Director (*via e-mail*)
Chuck Eaton, Engineering Director (*via e-mail*)
Brad Albert, Civil Engineer (*via e-mail*)
Samantha Vandagriff, Building Official (*via e-mail*)
Bonnie Lanz, Permit Specialist (*via e-mail*)
Mike Boumann and Matt Amos, CFD#1
NDA(s): Historic Milwaukie (*via e-mail*)
Land Use File(s): DEV-2015-008

ATTACHMENT 1
Findings in Support of Approval for Development Review for File #DEV-2015-008
Gary Eckelman for ProTemp

The proposal meets the applicability criteria listed in Milwaukie Municipal Code (MMC) Subsection 19.906.2.B. The application has been processed and public notice provided in accordance with MMC Section 19.1005 Type II Review. This table contains the City's findings on the Development Review criteria in MMC 19.906.4 and the standards associated with each criterion. Standards that are not identified in the table are found to not be applicable to the proposal.

MMC SUBSECTION 19.906.4.A

The proposal complies with all applicable base zone standards in Chapter 19.300.

Applicable Standards	Findings
<p>1776 SE Milport Rd ("site") is located in the Manufacturing (M) zone, and the following standards of MMC 19.309 are applicable:</p> <p>19.309.2 Permitted Uses</p> <p>Permitted uses are limited to industrial uses meeting the following criteria:</p> <p>A. Any combination of manufacturing, office, and/or commercial uses are allowed when at least 25% of the total project involves an industrial use as described under Subsection 19.309.2.B.</p> <p>B. A use which involves the collection and assembly of durable goods, warehousing of goods, transshipment of goods from other sources, and/or the assembly of goods from products which have been processed elsewhere, general manufacturing, and production.</p>	<p>The site is used as a warehouse and distribution center, with an accessory office and administrative space.</p> <p>The existing office uses total 1,996 sq ft.</p> <p>The existing warehouse uses total 18,586 sq ft.</p> <p>The proposed development would result in a 21,691 sq ft building:</p> <p style="padding-left: 40px;">19,586 sq ft (85.7%) will be warehouse uses</p> <p style="padding-left: 40px;">3,105 sq ft (14.3%) will be office uses</p> <p>This standard is met.</p>

MMC SUBSECTION 19.906.4.A

The proposal complies with all applicable base zone standards in Chapter 19.300.

Applicable Standards	Findings
<p>The following development standards apply to all uses in the M Zone.</p> <p>A. Setbacks (Minimum)</p> <p>Front: 20 ft</p> <p>Side: None*</p> <p>Corner side yard: 10 ft</p> <p>Rear: None*</p> <p>* Except when abutting a residential district, in which case the setback shall match the abutting property.</p>	<p>No changes are proposed to the existing building setbacks. The proposed addition does not exceed the existing building setbacks.</p> <p>This standard is met.</p>
<p>B. Height (Maximum)</p> <p>45 ft</p>	<p>The height of the existing warehouse building is 30 ft. The height of the existing office area and proposed addition is 22 ft.</p> <p>This standard is met.</p>
<p>C. Parking and Loading</p> <p>See Chapter 19.600.</p>	<p>See findings below for MMC 19.600.</p>
<p>D. Landscaping</p> <p>15% landscaping of the site is required. A variety of trees, shrubbery, and ground cover is encouraged. Street trees are required along street frontages and within parking lots to help delineate entrances, provide shade, and permeable areas for storm water runoff. A bond or a financial guarantee of performance will be required.</p>	<p>Currently, there is 12,160 sf of landscaping on the site (28%), including a contiguous landscape buffer along the south and east property lines. The existing landscaping on the west side along the future sidewalk improvement on 17th Ave will be improved as part of the proposed project.</p> <p>This standard is met.</p>

MMC SUBSECTION 19.906.4.A

The proposal complies with all applicable base zone standards in Chapter 19.300.

Applicable Standards	Findings
<p>E. Site access</p> <p>1 curb cut (45 ft maximum) per 150 ft of street frontage.</p>	<p>The subject property is a corner lot. There are 2 existing 30-ft curb cut access points to the site from 17th Ave and SE Milport Rd. The proposed project includes a pedestrian connection from the public sidewalk on SE 17th Ave to the main entrance of the building.</p> <p>This standard is met.</p>
<p>F. Transition Area</p> <p>Industrial development adjacent to and within 120 ft of areas zoned for residential uses is subject to Type I or II review per Section 19.906 Development Review. The following characteristics will be considered:</p> <ol style="list-style-type: none"> 1. Noise 2. Lighting 3. Hours of operation 4. Delivery and shipping 5. Height of structure 6. Distance to residential zone boundary <p>The review authority may attach conditions to reduce any potentially adverse impacts to residential properties.</p>	<p>The only noise from the site is typical for vehicles entering and exiting the site during normal business hours.</p> <p>The existing site lighting is directed at the parking lot areas and away from the residential zone.</p> <p>Hours of Operation: 7:00 a.m. – 4:00 p.m.; Monday – Friday</p> <p>Delivery and shipping occur during regular business hours.</p> <p>The height of the existing warehouse building is 30 ft. The height of the existing office area and proposed addition is 22 ft.</p> <p>The adjacent R-10 residential zone begins at the midpoint of 17th Ave. The closest residential property is approximately 60 ft from the subject property, which includes a heavily treed buffer on the west side of 17th Ave.</p> <p>This standard is met.</p>
<p>G. Public Facility Improvements</p> <p>As specified in Chapter 19.700.</p>	<p>See findings below for MMC 19.700.</p>

MMC SUBSECTION 19.906.4.D

The proposal complies with all applicable off-street parking and loading standards and requirements in Chapter 19.600.

Applicable Standards	Findings
<p>19.602.3 The provisions of Chapter 19.600 apply to development and changes of use as described in Subsection 19.602.3.</p> <p>B. Existing off-street parking and loading areas shall be brought closer into conformance with the standards of Chapter 19.600, per Subsection 19.602.5, when the following types of development or change in use occur:</p> <ol style="list-style-type: none"> 1. Development that results in an increase of less than 100% of the existing floor area and/or structure footprint. 	<p>The proposed development will increase the floor area by 1,109 sf, which is less than 100% of the existing floor area (20,582 sq ft).</p> <p>Therefore, this section is applicable.</p>
<p>19.602.5 Improvements to Existing Off-Street Parking and Loading Areas</p> <p>A. Purpose</p> <p>The purpose of Subsection 19.602.5 is to improve nonconforming off-street parking and loading areas as redevelopment occurs. These improvements should occur in conjunction with a development or change in use.</p> <p>B. Limitations on Required Improvements</p> <p>The cost of materials for any required improvements shall not exceed 10% of the development permit value of the associated development, redevelopment, and/or tenant improvements associated with a change in use. The cost of capital equipment such as manufacturing or operational equipment is exempt from the building permit value for purposes of this regulation. This exemption does not include building infrastructure such as electrical, plumbing, heating, venting, or air conditioning equipment.</p>	<p>The applicant has submitted development permits; the job value has been identified as \$225,000. The cost of bringing existing parking areas closer to conformance is limited to no more than 10% of the development permit value, for a total of \$22,500.</p>

MMC SUBSECTION 19.906.4.D

The proposal complies with all applicable off-street parking and loading standards and requirements in Chapter 19.600.

Applicable Standards	Findings
<p>C. Areas of Required Improvement The Planning Director will evaluate the applicant's parking plan and use the prioritized list below when determining what improvements will be required.</p> <ol style="list-style-type: none"> 1. Paving and striping of parking areas, per Subsection 19.606.3.A. 2. Minimum required vehicle parking spaces, per Section 19.605. 3. Minimum required bicycle parking spaces, per Section 19.609. 4. Landscaping of existing buffers, islands, and medians, per Subsection 19.606.2.D. 5. New perimeter landscape buffers, islands, and medians, as applicable, per Subsection 19.606.2.E. 6. Other applicable standards within Chapter 19.600, as determined by the Planning Director. 	<p>The proposed plan shows 16 parking spaces, newly striped with new curb stops, meeting the minimum required number of parking spaces. The parallel parking spaces shown along the eastern property line do not meet dimensional standards per MMC 19.606.1.A. A condition has been added to address this.</p> <p>Two-way drive aisles are shown with newly painted directional arrows. Fencing and lighting are existing on the site. A 180-sf interior landscaped island is proposed, in addition to improvements to the SE 17th and SE Milport Rd frontages. No existing landscaping will be removed.</p> <p>A new 6-ft sidewalk between the proposed addition and the adjacent parking spaces is proposed.</p> <p>No bicycle parking is proposed. A condition has been added to require 2 bicycle parking spaces to comply with MMC 9.609.2.</p> <p>As conditioned, this standard is met.</p>

MMC SUBSECTION 19.906.4.D

The proposal complies with all applicable off-street parking and loading standards and requirements in Chapter 19.600.

Applicable Standards	Findings
<p>19.605.1 Vehicle Parking Quantity Requirements - Minimum and Maximum Requirements</p> <p>A. Development shall provide at least the minimum and not more than the maximum number of parking spaces as listed in Table 19.605.1. Modifications to the standards in Table 19.605.1 may be made as per Section 19.605. Where multiple ratios are listed, the Planning Director shall determine which ratio to apply to the proposed development or use.</p> <p>Minimum/Maximum parking (per 1,000 sq ft of floor area): Storage/warehouse: 0.5 / 1 spaces Office: 2 / 3.4 spaces</p>	<p>Required parking for the development, including the proposed addition, is 16 minimum parking spaces:</p> <p>Warehouse (18,586 sq ft): 9 min / 18 max Office (3,105 sq ft): 6 min / 10 max</p> <p>The site has 2 loading zones, which are excluded from the min/max parking space requirements. The site has 16 parking spaces, which meets these parking quantity requirements.</p> <p>This standard is met.</p>
<p>19.609.2 Quantity of Spaces</p> <p>A. The quantity of required bicycle parking spaces shall be as described in this subsection. In no case shall less than 2 spaces be provided.</p> <p>1. Unless otherwise specified, the number of bicycle parking spaces shall be at least 10% of the minimum required vehicle parking for the use.</p>	<p>The required minimum vehicle parking is 16 spaces, therefore, at least 2 bicycle parking spaces are required.</p> <p>There are no existing bicycle parking spaces near the front entry and none are proposed. A condition has been added to comply with this requirement.</p> <p>As conditioned, this standard is met.</p>

MMC SUBSECTION 19.906.4.D

The proposal complies with all applicable off-street parking and loading standards and requirements in Chapter 19.600.

Applicable Standards	Findings
<p>19.608.2. Number of Loading Spaces</p> <p>The Planning Director shall determine whether to require off-street loading for commercial, industrial, public, and semipublic uses. The ratios listed below should be the minimum required unless the Planning Director finds that a different number of loading spaces are needed upon reviewing the loading needs of a proposed use.</p> <p>B. Nonresidential and Mixed Use Buildings</p> <p>Buildings where any floor area is in nonresidential uses should meet the following standards:</p> <p>2. 20,000 to 50,000 sq ft of total floor area: 1 loading space.</p>	<p>The building size after the addition will be greater than 20,000 sq ft in floor area, with a majority of this being used for warehousing and distribution.</p> <p>2 loading docks are currently provided at the site.</p> <p>This standard is met.</p>
<p>19.608.3 Loading Space Standards</p> <p>A. Loading spaces shall be at least 35 ft long and 10 ft wide, and shall have a height clearance of at least 13 ft.</p>	<p>The existing loading spaces clear of the required fire access aisle are approximately 12 ft wide by 40 ft long and 20 ft wide by 40 ft long with a height clearance of 14 ft minimum at the covered loading dock area.</p> <p>This standard is met.</p>
<p>B. Loading areas shall be provided on the site and be separate from parking spaces.</p>	<p>The existing loading area is visually set off from vehicle parking spaces by a painted pedestrian access way.</p> <p>This standard is met.</p>
<p>C. Off-street loading areas shall have a durable and dust-free hard surface. Permeable paving surfaces may be used to reduce surface water runoff and protect water quality.</p>	<p>The entire parking lot, including the loading area, is paved.</p> <p>This standard is met.</p>
<p>D. Lighting of loading areas shall conform to the standards of Subsection 19.606.3.F.</p>	<p>There is existing lighting to illuminate the parking area and walkways, and is located on either side of the loading zone area and the rear of the building. The light fixtures provide full cut-off at 90 degrees.</p>

MMC SUBSECTION 19.906.4.D

The proposal complies with all applicable off-street parking and loading standards and requirements in Chapter 19.600.

Applicable Standards	Findings
<p>E. Off-street loading areas for materials and merchandise shall be located outside of the minimum front and side yard requirements for structures.</p>	<p>The existing off-street loading area is located at the southeast corner of the building and the back corner of the parking lot. The space is away from the main building entry and does not cross any walkways. It is more than 100 ft from the right-of-way/street at SE 17th Ave and is more than 100 ft from the nearest adjacent property.</p> <p>This standard is met.</p>
<p>F. Off-street loading areas shall be located where not a hindrance to drive aisles, walkways, public or private streets, or adjacent properties.</p>	<p>The existing loading area is near the parking drive aisles, but is not a hindrance.</p> <p>The loading area is located at the southeast corner of the building, away from street access.</p> <p>This standard will be met.</p>
<p>19.608.4 Prohibitions</p> <p>A. Loading activity for a site, regardless of whether loading spaces are required, shall not obstruct travel within the right-of-way.</p> <p>B. The accumulation of goods in loading areas shall be prohibited when it renders the space useless for loading and unloading of goods and passengers.</p>	<p>Loading activity on the site will not obstruct travel in the right-of-way.</p> <p>This standard is met.</p>

MMC SUBSECTION 19.906.4.E

The proposal complies with all applicable public facility standards and requirements, including any required street improvements, in Chapter 19.700.

Applicable Standards	Findings
<p>19.702.1 General</p> <p>Chapter 19.700 applies to the following types of development in all zones:</p> <p>E. Modification or expansion of an existing structure or a change or intensification in use that results in any one of the following. See Subsections 19.702.2-3 for specific applicability provisions for single-family residential development and development in downtown zones.</p> <ol style="list-style-type: none">2. Any increase in gross floor area.3. Any projected increase in vehicle trips, as determined by the Engineering Director.	<p>The Engineering Department finds that MMC Chapter 19.700 does apply to this application.</p> <p>A rough proportionality analysis resulted in requiring the construction of 23 ft of sidewalk on Milport Rd. Because of the small amount of construction necessary, the applicant has requested that approval be granted for a fee in lieu of construction. The Engineering Department has approved this request. A condition has been added to comply with this requirement.</p> <p>As conditioned, this standard is met.</p>