



January 29, 2016

Land Use File(s): DEV-2015-009, NR-2015-009

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Director on January 29, 2016.

Applicant(s): Yachin Hillebrand for Yachin Holdings, LLC

Appellant (if applicable)

Location(s): 8908 SE 55th Ave

Tax Lot(s): 1S2E30AB07000

Application Type(s): Development Review, Natural Resources Review

Decision: Approved, with Conditions

Review Criteria: Milwaukie Zoning Ordinance:

- MMC 19.309 Manufacturing Zone M
- MMC 19.402 Natural Resources
- MMC 19.500 Supplementary Development Regulations
- MMC 19.600 Off-Street Parking and Loading
- MMC 19.700 Public Facility Improvements
- MMC 19.906 Development Review

Neighborhood(s): Lewelling

Appeal period closes: 5:00 p.m., February 15, 2016

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 Li Alligood, Senior Planner, at 503-786-7627 or alligoodl@milwaukieoregon.gov, if you wish to view this case file.

This decision may be appealed by 5:00 p.m. on February 15, 2016, 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.

Findings in Support of Approval

The Findings for this application are included as Exhibit 1.

Conditions of Approval

1. At the time of submission of any building permit application, the following shall be resolved:
 - a. Final plans submitted for building permit review shall be in substantial conformance with plans approved by this action, which are the plans stamped received by the City on December 13, 2015, except as otherwise modified by these conditions. The required changes are as follows:
 - (1) Revise the site plan as needed to meet the perimeter landscaping dimensions of MMC 19.606.2.C as measured from the inside of any curb. The dimensions of the perimeter landscaping along 55th Ave may be reduced by the required public right-of-way dedication.
 - (2) Per MMC 19.606.3.C.3, parking drive aisles shall align with the approved driveway access and shall not be wider than the approved driveway access within 10 ft of the right-of-way boundary. Revise the proposed parking plan to meet this standard.
 - b. Provide a narrative describing all actions taken to comply with these conditions of approval.
 - c. Provide a narrative describing any changes made after the issuance of this land use decision that are not related to these conditions of approval.
2. Prior to issuance of any building permit, the following shall be resolved.
 - a. Submit a storm water management plan to the City of Milwaukie Engineering Department for review and approval. The plan shall be prepared in accordance with Section 2 – Stormwater Design Standards of the City of Milwaukie Public Works Standards. In the event the storm management system contains underground injection control devices, submit proof of acceptance of the storm system design from the Department of Environmental Quality.
 - b. Submit full-engineered plans for construction of all required public improvements, reviewed and approved by the City of Milwaukie Engineering Department.
 - c. Obtain a right-of-way permit for construction of all required public improvements listed in these recommended conditions of approval.
 - d. Pay an inspection fee equal to 5.5% of the cost of the public improvements.
 - e. Provide a payment and performance bond for 100% of the cost of the required public improvements.
 - f. Provide an erosion control plan and obtain an erosion control permit.
3. Prior to final inspection for any building on the proposed development, the following shall be resolved:
 - a. Construct a private stormwater management system on the proposed development property for runoff created by the property. The private stormwater management system shall be constructed to the requirements of the approved stormwater management plan.

- b. Dedicate 7 feet of right-of-way to the public on SE 55th Ave fronting the proposed development property.
 - c. Install all underground utilities, including stubs for utility service prior to surfacing any streets. Relocate or provide a private utility easement for all utilities encroaching onto adjacent properties.
 - d. Construct 5 ft of paved width, a 5-ft wide landscape strip, and 5-ft wide setback sidewalk fronting the proposed development property on SE 55th Ave. The half-street improvements include all necessary storm water system improvements necessary to accommodate the street improvements.
 - e. Construct a driveway approach to meet all guidelines of the Americans with Disabilities Act (ADA) prior to final inspection. The driveway approach apron shall be between 12 ft and 36 ft in width, at least 7.5 ft from the side property line.
 - f. Install parking area landscaping or post a performance bond with the City. Then landscaping shall be installed within 6 months thereafter or else the bond will be foreclosed and plant materials installed by the City.
 - g. Provide a final approved set of Mylar “As Constructed” drawings to the City of Milwaukie prior to final inspection.
 - h. Construct and receive Engineering Department inspection for all required public improvements.
 - i. Remove all signs, structures, or vegetation in excess of 3 ft in height located in “vision clearance areas” at intersections of streets, driveways, and alleys fronting the proposed development.
4. Ongoing conditions of approval:
- a. The site may be used in a manner substantially similar to what has been proposed and approved through this land use action, including the hours and levels of proposed activities and services.
 - b. Maintain required parking lot landscaping in good and healthy condition.

Other requirements

1. Development activity on the site shall be limited to 7 a.m. to 10 p.m. Monday through Friday and 8 a.m. to 5 p.m. Saturday and Sunday, per MMC Subsection 8.08.070(l).
2. 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 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.

Exhibits

1. Findings in Support of Approval



Dennis Egner, AICP
Planning Director

cc: Daniel Hillebrand, Yachin Holdings LLC (PO Box 219, Amity, OR 97101)
Yachin Hillebrand (1959 SW Morrison St, #523, Portland, OR 97205)
Planning Commission (*via e-mail*)
Alma Flores, Community Development Director (*via e-mail*)
Chuck Eaton, Engineering Director (*via e-mail*)
Chrissy Dawson, Engineering Technician II (*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): Lewelling (*via e-mail*)
Interested Persons
Land Use File(s): DEV-2015-009

EXHIBIT 1
Findings for Development Review for File #DEV-2015-009, NR-2015-009
Hillebrand

The proposal meets the applicability criteria listed in Milwaukee Municipal Code (MMC) Subsection 19.906.2. B. The application has been processed and public notice provided in accordance with MMC Section 19.100 5 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>8905 SE 55th Ave ("site") is located in the Manufacturing (M) Zone, and the following standards of MMC Section 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>H. The following uses are allowed outright and do not need to be part of a project involving an industrial use as described under Subsection 19.309.2.B</p> <ol style="list-style-type: none"> Construction: Contractors and Related Businesses <p>This category comprises businesses whose primary activity is performing specific building or other construction-related work, on- or off-site. Examples include: residential and nonresidential building construction, utility/civil engineering construction, specialty trade contractors, and moving companies. Any associated on-site office use must be accessory to the primary construction business.</p>	<p>The applicant proposes to develop the site with a 4,200 sq ft metal building to house a concrete contractor base of operations with associated on-site office uses.</p> <p>This standard is met.</p>
<p>19.309.6 Development Standards for All Uses</p> <p>The following development standards apply to all uses in the M Zone.</p> <p>A. Setbacks (Minimum). Front: 20 ft; Side: None*; Corner side yard: 10 ft; Rear: None*</p>	<p>The proposed development will be set back 0 ft from the northern property line; 26 ft 5 in from the front property line; 53 ft from the southern property line; and 105 ft from the rear property line.</p> <p>These standards are met.</p>

MMC SUBSECTION 19.906.4.A
The proposal complies with all applicable base zone standards in Chapter 19.300.

Applicable Standards	Findings
* Except when abutting a residential district, in which case the setback shall match the abutting property.	
B. Height (Maximum). 45 ft	The proposed building has a height of 21 ft 9 in. This standard is met.
C. Parking and Loading. See Chapter 19.600.	See findings below for MMC 19.600.
D. Landscaping. 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.	The site is 20,889 sq ft; 5,118 sq ft, or 24.5%, of the site is landscaped. This standard is met.
E. Site access. 1 curb cut (45 ft maximum) per 150 ft of street frontage.	The site has 1 17.5 ft of frontage, and 1 curb cut is required. 1 curb cut of 25 ft is proposed. This standard is met.
F. Transition Area. 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:	The proposed industrial development is located adjacent to and within 120 ft of the Residential Zone R-7 to the south. These standards are applicable.
1. Noise	The main purpose of the facility is equipment storage and office operations, so noise generation will be minimal. Diesel pickup trucks will leave the site at around 7:00 a.m. and return to the site at around 5:00 p.m. Occasional deliveries, as described below, will occur during office hours. This standard is met.

MMC SUBSECTION 19.906.4.A
The proposal complies with all applicable base zone standards in Chapter 19.300.

Applicable Standards	Findings
2. Lighting	<p>Exterior lighting will be mounted to the building. On the south side, adjacent to the R-7 Zone, lights will be mounted at a maximum height of 15 ft. The submitted photometric charts indicate a horizontal cutoff dimension of 17.5 ft at a 12 ft mounting height, which means the cutoff dimension will be (15/12) x 17.5 = 22 ft. The property line is 53 ft from the building on this side, which exceeds the cutoff dimension of 22 ft. The lighting will be reduced to 0 footcandles at the southern property line.</p>
3. Hours of operation	<p>Diesel pickup trucks will leave the site at around 7:00 a.m. and return to the site at around 5:00 p.m. Office operations will be from 8:00 a.m. to 5:00 p.m. This standard is met.</p>
4. Delivery and shipping	<p>An average of 1 delivery per week is anticipated. This will be reinforcing bar, lumber, or similar construction materials. Deliveries will be received between the hours of 9:00 a.m. and 5:00 p.m. This standard is met.</p>
5. Height of structure	<p>The proposed building height is 21 ft 9 in, which is less than both the 45 ft maximum height of the M Zone and the 35 ft maximum height of the adjacent R-7 Zone. This standard is met.</p>
6. Distance to residential zone boundary	<p>The site adjoins the R-7 Zone to the south. The building is set back approximately 53 ft from the south property line, a distance of more than twice the required front and rear yard setback of the R-7 Zone. A 7 ft sight-obscuring fence will be installed along the southern property line, and will</p>

MMC SUBSECTION 19.906.4.A

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

Applicable Standards	Findings
	minimize the impact of on-site activity on the residential properties to the south. This standard is met.
G. Public Facility Improvements. As specified in Chapter 19.700.	See findings below for MMC 19.700.
H. Additional Standards. Chapter 19.500 Supplementary Development Regulations contains additional standards that may apply.	See findings below for MMC 19.500.

MMC SUBSECTION 19.906.4.B

The proposal complies with all applicable overlay zone and special area standards in Chapter 19.400.

Applicable Standards	Findings
A Habitat Conservation Area (HCA) is located on the site, and the following standards of MMC Section 19.402 are applicable.	
<p>19.402.3 Applicability</p> <p>A. The regulations in Section 19.402 apply to all properties that contain, or are within 100 ft of a WQR and/or HCA (including any locally significant Goal 5 wetlands or habitat areas identified by the City of Milwaukee) as shown on the Milwaukee Natural Resource Administrative Map (hereafter "NR Administrative Map").</p> <p>B. For properties that do not contain, but are within 100 ft of, a WQR and/or HCA, as shown on the NR Administrative Map, and where an activity not listed as exempt in Subsection 19.402.4.A will disturb more than 150 sq ft, a construction management plan is required in accordance with Subsection 19.402.9 (see also Table 19.402.3).</p>	<p>The site contains a Habitat Conservation Area (HCA) in the eastern half of the site. The proposed improvements and ground disturbance is within the 100 ft compliance line, and will be greater than 150 sq ft. These standards are applicable.</p>
J. Nonexempt activities outside of WQR or HCA, but within 100 ft of WQR or HCA that disturb more than 150 sq ft requires a construction management plan.	The proposed improvements and ground disturbance are within the 100 ft compliance line, and will be greater than 150 sq ft.

MMC SUBSECTION 19.906.4.B

The proposal complies with all applicable overlay zone and special area standards in Chapter 19.400.

Applicable Standards	Findings
<p>19.402.4 Exempt Activities</p> <p>B. Limited Exemptions Within HCAs</p> <p>The following activities within HCAs are exempt from the provisions of Section 19.402, except that a construction management plan is required, according to the provisions of Subsection 19.402.9, where the activity disturbs a total of more than 150 sq ft:</p> <p>5. Facilities that infiltrate stormwater on the site, including the associated piping, so long as the forest canopy and the areas within the driplines of the trees are not disturbed. Such facilities may include, but are not limited to, vegetated swales, rain gardens, vegetated filter strips, and vegetated infiltration basins. Native or nonnative vegetation may be planted in these facilities, provided that none of the plantings are identified as a nuisance species on the Milwaukee Native Plant List.</p>	<p>This standard is applicable.</p> <p>A vegetated infiltration basin of approximately 2,200 sq ft and a catch basin of approximately 100 sq ft, including underground drain line, are proposed within the HCA. Both are located outside the drip lines of existing trees. Proposed plantings do not include species identified as nuisance species.</p> <p>The proposed activity within the HCA is exempt from MMC 19.402.</p>
<p>19.402.9 Construction Management Plans</p> <p>A. Construction management plans are subject to Type I review per Section 19.1004.</p>	

MMC SUBSECTION 19.906.4.B

The proposal complies with all applicable overlay zone and special area standards in Chapter 19.400.

Applicable Standards	Findings
<p>B. Construction management plans shall provide the following information:</p> <ol style="list-style-type: none"> 1. Description of work to be done. 2. Scaled site plan showing a demarcation of WQRs and HCAs and the location of excavation areas for building foundations, utilities, stormwater facilities, etc. 3. Location of site access and egress that construction equipment will use. 4. Equipment and material staging and stockpile areas. 5. Erosion and sediment control measures. 6. Measures to protect trees and other vegetation located within the potentially affected WQR and/or HCA. A root protection zone shall be established around each tree in the WQR or HCA that is adjacent to any approved work area. 	<p>The applicant has submitted a construction management plan, including a description of the work to be done and a scaled site plan showing the location of the HCA and buffer zone and area of work.</p> <p>The applicant proposes to utilize the existing accessway for construction access, and proposes to lay gravel in the access area. The proposed building is a metal panel building, and no construction staging is proposed.</p> <p>Silt fencing is proposed for the protection of existing trees near the construction area and within the HCA.</p> <p>This standard is met.</p>

MMC SUBSECTION 19.906.4.C

The proposal complies with all applicable supplementary development regulations in Chapter 19.500.

Applicable Standards	Findings
<p>City staff has identified the following provision in Chapter 19.500 that are applicable to the proposal.</p> <p>19.501.2 Yard Exceptions</p> <p>A. In addition to yard requirements listed for each zoning district, buildings along certain major streets are subject to additional yard requirements as provided in Table 19.501.2.A below. Yards shall be measured so that the minimum distance from the center line of the right-of-way to the closest point of any building is the distance listed in Table 19.501.2.A plus the yard requirement of the underlying zone.</p>	<p>The site is located on 55th Ave between Firwood St and Johnson Creek Blvd, and is subject to additional yard requirements of 25 ft from the 55th Ave centerline.</p> <p>After the right-of-way dedication required by MMC 19.700, the distance from the 55th Ave centerline to the property line will be 27 ft. The proposed building is located 25 ft 5 in from the front property line, or 52 ft 5 in from the 55th Ave centerline.</p> <p>This standard is met.</p>
<p>19.504.6 Transition Area Measures</p>	<p>The proposed industrial development is adjacent to</p>

MMC SUBSECTION 19.906.4.C

The proposal complies with all applicable supplementary development regulations in Chapter 19.500.

Applicable Standards	Findings
<p>Where commercial, mixed use, or industrial development is proposed adjacent to properties zoned for lower-density residential uses, the following transition measures shall be required. These additional requirements are intended to minimize impacts on lower-density residential uses.</p>	<p>properties zoned Residential Zone R-7. These standards are applicable.</p>
<p>A. All yards that abut, or are adjacent across a right-of-way from, a lower-density zone shall be at least as wide as the required front yard width of the adjacent lower-density zone. This additional yard requirement shall supersede the base zone yard requirements for the development property where applicable.</p>	<p>The Residential Zone R-7 is located south of the site. The proposed building is set back 53 ft from the south property line, which exceeds the 20-ft front yard setback requirement for the R-7 zone. This standard is met.</p>
<p>B. All yards that abut, or are adjacent across a right-of-way from, a lower-density zone shall be maintained as open space. Natural vegetation, landscaping, or fencing shall be provided to the 6-ft level to screen lower-density residential uses from direct view across the open space.</p>	<p>The area between the proposed building and the property to the south will be maintained as open space (surface parking and landscaping) and no structures will be located within that area. A 7-ft sight-obscuring fence is proposed along the southern property line. This standard is met.</p>
<p>19.504.9 On-Site Walkways and Circulation</p> <p>A. Requirement All development subject to Chapter 19.700 (excluding single-family and multifamily residential development) shall provide a system of walkways that encourages safe and convenient pedestrian movement within and through the development site. Redevelopment projects that involve remodeling or changes in use shall be brought closer into conformance with this requirement to the greatest extent practicable. On-site walkways shall link the site with the public street sidewalk system. Walkways are required between parts of a site where the public is invited to walk. Walkways are not required between buildings or portions of a site that are not intended or likely to be used by pedestrians, such as truck loading docks and warehouses.</p>	<p>The proposed development is subject to Chapter 19.700, and these requirements are applicable. A 5-ft wide walkway is proposed between the sidewalk and the building entry. This standard is met.</p>

MMC SUBSECTION 19.906.4.C
The proposal complies with all applicable supplementary development regulations in Chapter 19.500.

	Applicable Standards	Findings
B. Location	A walkway into the site shall be provided for every 300 ft of street frontage.	The site frontage is 117.5 ft. 1 walkway is required and 1 walkway is proposed. This standard is met.
C. Connections	Walkways shall connect building entrances to one another and building entrances to adjacent public streets and existing or planned transit stops. On-site walkways shall connect with walkways, sidewalks, bicycle facilities, alleys, and other bicycle or pedestrian connections on adjacent properties used or planned for commercial, multifamily, institutional, or park use. The City may require connections to be constructed and extended to the property line at the time of development.	1 building is proposed. The proposed on-site walkway connects the sidewalk, bicycle parking, and building entrances. This standard is met.
D. Routing	Walkways shall be reasonably direct. Driveway crossings shall be minimized. Internal parking lot circulation and design shall provide reasonably direct access for pedestrians from streets and transit stops to primary buildings on the site.	The proposed walkway connects the building entrance and sidewalk directly. No driveway crossings are proposed. This standard is met.
E. Design Standards	Walkways shall be constructed with a hard surface material, shall be permeable for stormwater, and shall be no less than 5 ft in width. If adjacent to a parking area where vehicles will overhang the walkway, a 7-ft-wide walkway shall be provided. The walkways shall be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving materials. On-site walkways shall be lighted to an average 5/10-footcandle level. Stairs or ramps shall be provided where necessary to provide a direct route.	The proposed walkway will be at least 5 ft wide, and constructed of pervious concrete. A portion of the walkway is adjacent to the parking area and will be separated from the parking area by concrete wheel stops. Submitted photometric charts indicate that the walkway adjacent to the main building entrance will be lit to an average of 5 footcandles, and the walkway adjacent to the southern façade of the building will be lit to an average of 10 footcandles. These standards are met.

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 Applicability for Development and Change in Use Activity</p> <p>The provisions of Chapter 19.600 apply to development and changes of use as described in Subsection 19.602.3.</p> <p>A. Development of a vacant site shall have off-street parking and off-street loading areas that conform to the requirements of Chapter 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 shall also conform to the requirements of Chapter 19.600. The floor area and/or footprint of structures demolished prior to development or redevelopment on the site shall not be considered when calculating the increase in floor area and/or structural footprints.</p>	<p>The applicant has demolished the single family dwelling and accessory structures previously located on the site is proposing development of a new 4,200 sq ft building. The off-street parking areas must conform to the requirements of this chapter.</p>
<p>19.603.2 Submittal Requirements</p> <p>Except for single-family dwellings, a development or change in use subject to Chapter 19.600 as per Section 19.602 shall submit a parking plan, drawn to scale. The parking plan shall show that all applicable standards are met, and shall include but not be limited to the items listed below, unless waived by the Planning Director.</p> <p>A. Delineation of individual spaces and wheel stops. B. Drive aisles necessary to serve spaces. C. Accessways, including driveways and driveway approaches, to streets, alleys, and properties to be served. D. Pedestrian pathways and circulation. E. Bicycle parking areas and rack specifications. F. Fencing. G. Abutting land uses. H. Grading, drainage, surfacing, and subgrading details. I. Location and design of lighting fixtures and levels of illumination.</p>	<p>The applicant has submitted a parking plan including the items listed. 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>J. Delineation of existing and proposed structures.</p> <p>K. Parking and loading area signage.</p> <p>L. Landscaping, including the following information.</p> <ol style="list-style-type: none"> 1. The location and area of existing and proposed trees, vegetation, and plant materials, including details about the number, size, and species of such items. 2. Notation of the trees, plants, and vegetation to be removed, and protection measures for existing trees and plants to be preserved. 	
<p>19.605.1 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):</p> <p>General office, including banks: 2/3.4 spaces</p> <p>Manufacturing: 1/2 spaces</p> <p>Storage, warehouse, wholesale establishment less than 150,000 sq ft: 0.5/1 space</p>	<p>The applicant proposes 812 sq ft of office space, 1,800 sq ft of shop and garage (manufacturing) space, and 1,490 sq ft of storage/warehouse space. A total of 5 parking spaces are required. The applicant proposes to construct 5 parking spaces on the site.</p> <p>This standard is met.</p>
<p>19.606.1 Parking Space and Aisle Dimensions</p> <p>A. The dimensions for required off-street parking spaces and abutting drive aisles, where required, shall be no less than in Table 19.606.1. The minimum dimensions listed in Table 19.606.1 are illustrated in Figure 19.606.1.</p>	<p>The applicant's submitted materials indicate that the proposed parking spaces will be 9 ft wide and 20 ft deep, which exceeds the minimum dimensions of 9 ft wide and 18 ft deep.</p> <p>A drive aisle is not required unless the parking area has more than 5 spaces. The applicant has proposed a 2-way drive aisle of 26 ft 6 in, which exceeds the minimum width of 22 ft.</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>19.606.2 Landscaping</p> <p>C. Perimeter Landscaping</p> <p>The perimeter landscaping of parking areas shall meet the following standards which are illustrated in Figure 19.606.2.C.</p> <ol style="list-style-type: none"> Dimensions <p>The minimum width of perimeter landscape areas are shown in Table 19.606.2.C.1. Where a curb provides the border for a perimeter landscape area, the dimension shall be measured from the inside of the curb(s). The Planning Director may reduce the required minimum width of a perimeter landscaping area where existing development or site constraints make it infeasible to provide drive aisles, parking spaces, and the perimeter landscaping buffer width listed in Table 19.606.2.C.1.</p> 	<p>These standards are met.</p> <p>An 8 ft minimum depth parking area perimeter landscape strip is required along the 55th Ave right-of-way; a 6 ft landscape strip is required along the southern property line adjacent to the parking area.</p> <p>The submitted materials indicate that the landscaping strip along 55th Ave is 8 ft 9 in at its widest point, and that the landscaping strip along the southern property line is 6 ft. However, it is unclear whether the dimensions are being measured from the inside of a curb. In addition, the plans indicated that 6 ft of right-of-way will be dedicated, but 7 ft of right-of-way dedication is required, which would reduce the depth of the landscape strip fronting 55th Ave below 8 ft.</p> <p>A condition has been established to ensure that minimum dimensional standards are met.</p> <p>As conditioned, this standard will be met.</p>
<ol style="list-style-type: none"> Planting Requirements <p>Landscaping requirements for perimeter buffer areas shall include 1 tree planted per 40 lineal ft of landscaped buffer area. Where the calculation of the number of trees does not result in a whole number, the result shall be rounded up to the next whole number. Trees shall be planted at evenly spaced intervals along the perimeter buffer to the greatest extent practicable. The remainder of the buffer area shall be grass, ground cover, mulch, shrubs, trees, or other landscape treatment other than concrete and pavement.</p> 	<p>The lineal measurement of the perimeter buffer areas is 140 ft, and 4 trees are required. The submitted materials indicate that 4 trees will be planted.</p> <p>This standard is met.</p>
<ol style="list-style-type: none"> Additional Planting Requirements Adjacent to Residential Uses <p>In addition to the planting requirements of Subsection 19.606.2.D.2, all parking</p> 	<p>The site is adjacent to a residential use to the south. The site to the south of the subject property is in the R-7 Zone</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>areas adjacent to a residential use shall have a continuous visual screen in the landscape perimeter area that abuts the residential use. The area of required screening is illustrated in Figure 19.606.2.C.3. The screen must be opaque throughout the year from 1 to 4 ft above ground to adequately screen vehicle lights. These standards must be met at the time of planting. Examples of acceptable visual screens are a fence or wall, an earth berm with plantings, and other plantings of trees and shrubs.</p>	<p>and is developed with a residential use. The applicant will install a 7 ft high fence with privacy slats on the south side of the parking lot. This standard is met.</p>
<p>D. Interior Landscaping The interior landscaping of parking areas shall meet the following standards which are illustrated in Figure 19.606.2.D.</p> <ol style="list-style-type: none"> General Requirements Interior landscaping of parking areas shall be provided for sites where there are more than 10 parking spaces on the entire site. Landscaping that is contiguous to a perimeter landscaping area and exceeds the minimum width required by Subsection 19.606.2.C.1 will be counted as interior landscaping if it meets all other requirements of Subsection 19.606.2.D. 	<p>The applicant proposes to construct 5 parking spaces on the site. This standard is not applicable.</p>
<p>E. Other Parking Area Landscaping Provisions</p> <ol style="list-style-type: none"> Installation of parking area landscaping shall be required before a certificate of occupancy is issued, unless a performance bond is posted with the City. Then landscaping shall be installed within 6 months thereafter or else the bond will be foreclosed and plant materials installed by the City. Parking area landscaping shall be maintained in good and healthy condition. 	<p>A condition has been established to ensure that landscaping is installed or a performance bond is posted with the City prior to issuance of a certificate of occupancy for the new building. As conditioned, this standard will be met.</p>
<p>19.606.3 Additional Design Standards</p> <p>A. Paving and Striping Paving and striping are required for all required maneuvering and standing areas. Off-street parking areas shall have a durable and dust-free hard surface, shall be</p>	<p>The proposed parking area will be paved and striped to delineate the parking spaces. 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>maintained for all-weather use, and shall be striped to show delineation of parking spaces and directional markings for driveways and accessways. Permeable paving surfaces may be used to reduce surface water runoff and protect water quality.</p>	
<p>B. Wheel Stops Parking bumpers or wheel stops, of a minimum 4-in height, shall be provided at parking spaces to prevent vehicles from encroaching on the street right-of-way, adjacent landscaped areas, or pedestrian walkways. Curbing may substitute for wheel stops if vehicles will not encroach into the minimum required width for landscape or pedestrian areas.</p>	<p>Wheel stops will be provided at each of the parking spaces to prevent encroachment into the adjacent pedestrian walkway. This standard is met.</p>
<p>C. Site Access and Drive Aisles 1. Accessways to parking areas shall be the minimum number necessary to provide access while not inhibiting the safe circulation and carrying capacity of the street. Driveway approaches shall comply with the access spacing standards of Chapter 12.16.</p>	<p>The applicant has proposed 1 accessway. A condition has been established to ensure that the driveway approach will comply with the access spacing standards of Chapter 12.16. As conditioned, this standard will be met.</p>
<p>2. Drive aisles shall meet the dimensional requirements in Subsection 19.606.1.</p>	<p>The proposed 2-way drive aisle is 26 ft 6 in wide, which exceeds the minimum width of 20 ft contained in MMC 19.606.1. This standard is met.</p>
<p>3. Parking drive aisles shall align with the approved driveway access and shall not be wider than the approved driveway access within 10 ft of the right-of-way boundary.</p>	<p>The proposed drive aisle aligns with the proposed driveway access, but widens after approximately 5 ft. A condition has been established to redesign the driveway to comply with this standard. As conditioned, this standard will be met</p>
<p>4. Along collector and arterial streets, no parking space shall be located such that its maneuvering area is in an ingress or egress aisle within 20 ft of the back of the sidewalk, or from the right-of-way boundary where no sidewalk exists.</p>	<p>55th Ave is classified as a Neighborhood Route. This standard is not applicable.</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>5. Driveways and on-site circulation shall be designed so that vehicles enter the right-of-way in a forward motion.</p>	<p>There is adequate space on site to allow vehicles to enter the right-of-way in a forward motion. This standard is met.</p>
<p>D. Pedestrian Access and Circulation</p> <p>Subsection 19.504.9 establishes standards that are applicable to an entire property for on-site walkways and circulation. The purpose of Subsection 19.606.3.D is to provide safe and convenient pedestrian access routes specifically through off-street parking areas. Walkways required by Subsection 19.606.3.D are considered part of the on-site walkway and circulation system required by Subsection 19.504.9.</p> <ol style="list-style-type: none"> 1. Pedestrian access shall be provided for off-street parking areas so that no parking space is further than 100 ft away, measured along vehicle drive aisles, from a building entrance, or a walkway that meets the standards of Subsection 19.606.3.D.2. 2. Walkways through off-street parking areas must be continuous, must lead to a building entrance, and meet the design standards of Subsection 19.504.9.E. 	<p>The furthest parking space is approximately 45 ft from the building entrance; the proposed walkway is continuous and connects the building entrance to the furthest space. This standard is met.</p>
<p>F. Lighting</p> <p>Lighting is required for parking areas with more than 10 spaces. The Planning Director may require lighting for parking areas of less than 10 spaces if the parking area would not be safe due to the lack of lighting. Lighting shall be designed to enhance safe access for vehicles and pedestrians on the site, and shall meet the following standards:</p> <ol style="list-style-type: none"> 3. Pedestrian walkways and bicycle parking areas in off-street parking areas shall have a minimum illumination level of 0.5 footcandles, measured horizontally at the ground level. 	<p>The proposed parking area contains 5 spaces, and lighting is not required. Per the submitted photometric studies, the proposed bicycle parking area will have an illumination level of at least 1 footcandle. This standard is met.</p>
<p>19.608.2. Number of Loading Spaces</p> <p>The Planning Director shall determine whether to require off-street loading for</p>	<p>The applicant proposes a 4,200 sq ft industrial building. No loading spaces are required.</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>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> <ol style="list-style-type: none"> 1. Less than 20,000 sq ft of total floor area: no loading spaces required. 	<p>This standard is met.</p>
<p>19.609.1 Applicability</p> <p>Bicycle parking shall be provided for all new commercial, industrial, community service use, and multifamily residential development. Temporary and seasonal uses (e.g., fireworks and Christmas tree stands) and storage units are exempt from Section 19.609. Bicycle parking shall be provided in the Downtown Mixed Use Zone and at transit centers.</p>	<p>The applicant proposes to develop the site with new industrial development.</p> <p>This standard is applicable.</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> <ol style="list-style-type: none"> 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>The required minimum off-street parking is 5 spaces; the requirement of at least 2 spaces exceeds 10% of the minimum required vehicle parking (5 x 0.10=0.5). 2 bicycle parking spaces are required and proposed.</p> <p>This standard is met.</p>
<p>19.609.3 Space Standards and Racks</p> <p>A. The dimension of each bicycle parking space shall be a minimum of 2 x 6 ft. A 5-ft-wide access aisle must be provided. If spaces are covered, 7 ft of overhead clearance must be provided. Bicycle racks must be securely anchored and designed to allow the frame and 1 wheel to be locked to a rack using a high security, U-shaped, shackle lock.</p>	<p>The submitted Parking Plan includes 2, 2 ft x 6 ft uncovered bicycle parking spaces on either side of a hitching post type rack adjacent to the 5 ft wide walkway. The rack is to be a Creative Pipe inverted 'U' design or similar.</p> <p>This standard is met.</p>
<p>B. Lighting shall conform to the standards of Subsection 19.606.3.F.</p>	<p>See the Findings for MMC 19.606.3.F above.</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 Chapter 19.700 applies to the following types of development in all zones:</p> <ul style="list-style-type: none"> A. Partitions. B. Subdivisions. C. Replats that increase the number of lots. D. New construction. 	<p>The applicant proposes to construct new facilities on an existing lot. The new construction triggers the requirements of MMC Chapter 19.700. These standards are applicable.</p>
<p>19.704.1 TIS Determination</p> <ul style="list-style-type: none"> A. Based on information provided by the applicant about the proposed development, the Engineering Director will determine when a TIS is required and will consider the following when making that determination. <ol style="list-style-type: none"> 1. Changes in land use designation, zoning designation, or development standard. 2. Changes in use or intensity of use. 3. Projected increase in trip generation. 4. Potential impacts to residential areas and local streets. 5. Potential impacts to priority pedestrian and bicycle routes, including, but not limited to, school routes and multimodal street improvements identified in the TSP. 6. Potential impacts to intersection level of service (LOS). 	<p>The proposed development will not trigger a significant increase in trip generation and therefore does not require a transportation impact study. This standard is not applicable.</p>
<p>19.705.1 Impact Mitigation Mitigation of impacts, due to increased demand for transportation facilities associated with the proposed development, shall be provided in rough proportion to the transportation impacts of the proposed development. When a TIS is required, potential</p>	<p>The proposed development does not trigger mitigation of impacts beyond the required frontage improvements. The impacts are minimal and the surrounding transportation system will continue to operate at the level of service</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>impacts will be determined in accordance with Section 19.704. When no TIS is required, potential impacts will be determined by the Engineering Director.</p>	<p>previous to the proposed development. As conditioned, this standard will be met.</p>
<p>19.708.1 General Street Requirements and Standards A. Access Management All development subject to Chapter 19.700 shall comply with access management standards contained in Chapter 12.16.</p>	<p>A condition has been established to ensure that the proposed development will comply with the access management standards of Chapter 12.16. As conditioned, this standard will be met.</p>
<p>B. Clear Vision All development subject to Chapter 19.700 shall comply with clear vision standards contained in Chapter 12.24.</p>	<p>A condition has been established to ensure that the applicant will remove all signs, structures, or vegetation in excess of 3 ft in height from “vision clearance areas” at intersections of streets, driveways, and alleys. As conditioned, this standard will be met.</p>
<p>F. Intersection Design and Spacing 6. Minimum and maximum intersection spacing standards are provided in Table 19.708.1.</p>	<p>As conditioned, these standards will be met.</p>
<p>19.708.2 Street Design Standards Table 19.708.2 contains the street design elements and dimensional standards for street cross sections by functional classification. Dimensions are shown as ranges to allow for flexibility in developing the most appropriate cross section for a given street or portion of street based on existing conditions and the surrounding development pattern. The additional street design standards in Subsection 19.708.2.A augment the dimensional standards contained in Table 19.708.2. The Engineering Director will rely on Table 19.708.2 and Subsection 19.708.2.A to determine the full-width cross section for a specific street segment based on functional classification. The full-width cross section is the sum total of the widest dimension of all individual street elements. If the Engineering Director determines that a full-width cross section is appropriate and</p>	<p>The applicant shall construct a half street improvement on the east side of SE 55th Ave along the site’s frontage. The street improvement shall include construction of a 16-ft wide paved half street, standard curb and gutter, a 5-ft wide planter strip, and a 5-ft wide setback sidewalk. Because 11 ft of the paved half-street is already installed along the development property, the applicant is only responsible for 5 ft of paved width, curb and gutter, the planter strip, and sidewalk. The existing right-of-way width of SE 55th Ave fronting the proposed development is 40 ft. The Milwaukie</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>feasible, a full-width cross section will be required. If the Engineering Director determines that a full-width cross section is not appropriate or feasible, the Engineering Director will modify the full-width cross section requirement using the guidelines provided in Subsection 19.708.2.B. Standards for design speed, horizontal/vertical curves, grades, and curb return radii are specified in the Public Works Standards.</p>	<p>Transportation System Plan and Transportation Design Manual classify the fronting portions of SE 55th Ave a neighborhood route.</p> <p>According to Table 19.708.2 Street Design Standards, the required right-of-way width for a neighborhood route is between 20 ft and 68 ft depending on the required street improvements. The required right-of-way needed for the improvements. The required right-of-way needed for the required street improvements is 54 ft. The applicant is responsible for 7 ft of right-of-way dedication along SE 55th Ave fronting the development property.</p> <p>As conditioned, this standard will be met.</p>
<p>19.708.3 Sidewalk Requirements and Standards</p> <p>B. Sidewalk Requirements</p> <ol style="list-style-type: none"> Requirements <p>Sidewalks shall be provided on the public street frontage of all development per the requirements of this chapter. Sidewalks shall generally be constructed within the dedicated public right-of-way, but may be located outside of the right-of-way within a public easement with the approval of the Engineering Director.</p>	<p>The construction of sidewalks along the proposed development property abutting SE 55th Ave is included in the street frontage requirements described above.</p> <p>As conditioned, this standard will be met.</p>
<p>19.708.4 Bicycle Facility Requirements and Standards</p> <p>B. Bicycle Facility Requirements</p> <ol style="list-style-type: none"> Requirements <p>Bicycle facilities shall be provided in accordance with this chapter, Chapter 19.600, the TSP, and the Milwaukee Downtown and Riverfront Plan: Public Area Requirements. Requirements include, but are not limited to, parking, signage, pavement markings, intersection treatments, traffic calming, and</p>	<p>The portion of SE 55th Ave fronting the proposed development is not classified as a bike route in the Milwaukee Transportation System Plan. As a result, bicycle facility improvements are not required for the proposed development.</p> <p>This standard is not applicable.</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>traffic diversion.</p> <p>19.708.5 Pedestrian/Bicycle Path Requirements and Standards</p> <p>B. Pedestrian/Bicycle Path Requirements</p> <p>In addition to sidewalks on public streets, other available pedestrian routes, as used in this subsection, include walkways within shopping centers, planned developments, community service use developments, and commercial and industrial districts. Routes may cross parking lots on adjoining properties if the route is paved, unobstructed, and open to the public for pedestrian use.</p> <p>Pedestrian/bicycle paths shall be required in the following situations.</p> <ol style="list-style-type: none"> In residential and industrial districts where addition of a path would reduce walking distance, via a sidewalk or other available pedestrian route, by at least 400 ft and by at least 50% to an existing transit stop, planned transit route, school, shopping center, or park. 	<p>The proposed development property is primarily surrounded by commercial development and is within close proximity to the Springwater Corridor Trail. The proposed development does not present an opportunity to provide an additional pedestrian or bicycle path and is not required to provide one.</p> <p>This standard is not applicable.</p>
<p>19.708.6 Transit Requirements and Standards</p> <p>B. Transit Facility Requirements</p> <ol style="list-style-type: none"> Requirements <p>Factors that determine the level of transit facility requirements include, but are not limited to, street classification, existing and planned level of transit service on adjacent streets, block length, proximity of major pedestrian destinations, existing and projected ridership, and transit needs of the development.</p> <p>Required improvements may include provision of an easement or dedication of land for transit facilities, benches, shelters, bus turnouts, curb extensions, median refuges for pedestrian crossings, public telephones, or pedestrian lighting. The required improvements shall reflect a reasonable and proportionate share of the potential impacts of the proposed development pursuant to Section 19.705.</p>	<p>The portion of SE 55th Ave fronting the proposed development is not classified as a transit route in the Milwaukie Transportation System Plan. As a result, transit facility improvements are not required for the proposed development.</p> <p>This standard is not applicable.</p>

MMC SUBSECTION 19.906.4.F

The proposal complies with all applicable conditions of any land use approvals for the proposal issued prior to or concurrent with the development review application.

Applicable Standards	Findings
There are no prior or concurrent approvals.	This standard is met.